



KAAP AGULHAS MUNISIPALITEIT  
CAPE AGULHAS MUNICIPALITY  
U MASIPALA WASECAPE AGULHAS

**NOTULE VAN 'N ALGEMENE RAADSVERGADERING GEHOU OM 10:00 OP DINSDAG  
1 OKTOBER 2019 IN DIE MUNISIPALE RAADSAAL TE BREDASDORP**

**MINUTES OF A GENERAL COUNCIL MEETING HELD ON TUESDAY, 1 OCTOBER 2019  
AT 10:00 IN THE MUNICIPAL COUNCIL CHAMBERS, BREDASDORP**

**RAADSLEDE / COUNCILLORS**

MNR	R J BAKER	
MNR	G D BURGER	
MNR	D J EUROPA	
MNR	C J JACOBS	
MNR	D JANTJIES	
ME	E C MARTHINUS	
MNR	J G A NIEUWOUDT	(Speaker)
ME	M OCTOBER	
ME	E L SAULS	( <i>vanaf 10:05</i> )
MNR	P J SWART	(Burgemeester)
ME	Z TONISI	(Onder-Burgemeester)

**AMPTENARE / OFFICIALS**

Mnr D O'Neill	Munisipale Bestuurder
Mnr H Van Biljon	Direkteur: Finansiële Dienste ( <i>vanaf 10:30</i> )
Mnr A Jacobs	Direkteur: Infrastruktuurdienste
Mnr H Kröhn	Direkteur: Bestuursdienste
Mnr B Hayward	Bestuurder: Stads- en Streeksbeplanning
Mnr G M Moelich	Bestuurder: Administrasie
Me N Mhlati-Musewe	Divisional Head: HR and Organisational Development ( <i>vanaf 10:30</i> )
Mnr G Prins	Kommunikasie

1. **OPENING**

Die Speaker heet die teenwoordiges welkom en Raadsdame Marthinus open die vergadering met gebed.

2. **AANSOEKE OM VERLOF TOT AFWESIGHEID / APPLICATIONS FOR LEAVE**

Geen.

**3. ONDERHOUDE MET AFGEVAARDIGDES EN/OF ANDER BESOEKE****Deon Winterbach (DEVCO): Admiral Beach projek**

Mnr Winterbach spreek die Raad toe oor die ontwikkeling van die "Admiral Beach" projek wat die volgende insluit: 'n Hotel met 150 kamers; 85 Seefront woonstelle en 'n kommersiële gedeelte wat insluit 'n mediese afdeling, bewaringsgedeelte asook 'n restaurant. Die beplande ontwikkeling sluit ook 'n "seeview cafe" in. Die beoogde bouwerk behoort in Oktober 2020 in aanvang te neem, met voltooiingsdatums November 2022.

Die volledige aanbieding word aan die Raad oorhandig. Sekere stadsbeplanningsprosesse het reeds in aanvang geneem. Die verskuiwing van die "Sea Shack" word deur die ontwikkelaar as noodsaaklik beskou.

**BESLUIT 142/2019**

Die Raad neem kennis van die beoogde ontwikkeling.

**4. NOTULES VAN VORIGE VERGADERINGS VOORGELê VIR BEKRAGTING****4.1 NOTULE VAN ALGEMENE RAADSVERGADERING GEHOU OP:**

23 Julie 2019

**BESLUIT 143/2019**

Na die aanbring van 'n wysiging word die Notule as korrek en volledig bekragtig.

**5. NOTULES VAN DIE UITVOERENDE BURGEMEESTERSKOMITEE VERGADERINGS OOR BESLUIE DEUR HOM GENEEM SAAM MET DIE BURGEMEESTERSKOMITEE****5.1 NOTULE VAN UBK VERGADERING GEHOU OP:**

20 Augustus 2019

17 September 2019

**BESLUIT 144/2019**

- (i) Die Raad neem kennis van bogenoemde UBK Notules.
- (ii) Dat alle ander besluite deur die UBK geneem ook aan die Raad voorgelê word vir kennisname.

**6. NOTULES VAN KOMITEE VERGADERINGS VIR BESPREKING / KENNISNAME****6.1 VOORGELê VIR BESPREKING : WYKSKOMITEE VERGADERINGS GEHOU OP**

- WYK 1 : 13 Augustus 2019 en 9 September 2019
- WYK 2 : 15 Augustus 2019
- WYK 3 : 13 Augustus 2019
- WYK 4 : 13 Augustus 2019
- WYK 5 : 15 Augustus 2019
- WYK 6 : 13 Augustus 2019

**BESLUIT 145/2019**

Die Raad neem kennis van bogenoemde Wykskomitee Notules.

6.2 **VOORGELê VIR KENNISNAME**

ICT Steering Committee: 13 Junie 2019 en 14 Augustus 2019

**BESLUIT 146/2019**

Die Raad neem kennis van bogenoemde ICT Steering Committee Notules.

7. **SAKE VOORTSPRUITEND UIT NOTULES**

Geen.

8. **VERKLARINGS EN/OF MEDEDELINGS DEUR DIE VOORSITTER**

8.1 **BRIEWE VAN DANK**

Aangeheg op *bladsy 1 en 2* van die bylae.

8.2 **FUNKSIES VIR DIE MAAND**

Op Vrydag 4 Oktober 2019 word die oorhandiging van huise in Area F en H gefinaliseer.

8.3 **AANWYS VAN AFGEVAARDIGDES**

Raadslede word uitgenooi na 'n "somer skool" vir die opleiding van raadslede wat in Caledon sal plaasvind. Mnr Paul Valentine sal die raadslede dienoreenkomstig inlig.

8.4 **DRINGENDE SAKE DEUR DIE SPEAKER VOORGELê**

8.4.1 **Spandering: Social Economic Development (01/07/2019 - 25/09/2019)**

Sien volledige uiteensetting aangeheg op *bladsy 3*.

**BESLUIT 147/2019**

- (i) Die Raad neem kennis van bogenoemde spandering.
- (ii) Dat die Raad kennis neem dat bydraes slegs plaasvind dienoreenkomstig die "Social Economic Development Policy".

9. **TERUGVOERING VANAF RAADSLEDE OOR VERGADERINGS BYGEWOON**

Geen.

10. **VERKLARINGS EN/OF MEDEDELINGS DEUR DIE UITVOERENDE BURGEMEESTER**

- 10.1 Dat 'n volledige verslag aan die Raad voorgelê sal word insake die stormwater probleme wat op Sondag 29 September 2019 ervaar is.
- 10.2 Dat kennis geneem word van drie huisgesinne wat vroeër na hul toegekende HOP-huise verskuif is as gevolg van reënskade aan hul bestaande strukture.
- 10.3 Op 27 Oktober 2019 om 14:00 sal 'n inter-kerklike byeenkoms plaasvind om te bid vir die mishandeling van vroue en kinders, die droogte in die land asook leiers op alle vlakke van regering.
- 10.4 Dat kennis geneem word van 'n interne ondersoek by die Toetsstasie in Bredasdorp.

		<u>Bladsy</u>	
		<u>Notule</u>	<u>Bylaes</u>
11.	<b><u>ITEMS NA DIE RAAD VERWYS VIR OORWEGING</u></b>		
11.1	Request for use of erven 390 and 608, L'Agulhas	5 - 13	-
11.2	Request for use of erf 601, L'Agulhas	14 - 20	-
11.3	Verlenging huurooreenkoms: Absolute Marine Adventures	20 - 21	4 - 11
11.4	Ruiling: Erf 779, Waenhuiskrans vir ged 374, Waenhuiskrans	21 - 22	12 - 16
11.5	Parkering: Erf 549, Bredasdorp	23 - 25	-
11.6	Vacant business and Industrial Sites: Bredasdorp	26 - 37	-
11.7	Kansellasië van vervreemding: Ged erf 513, Napier	37	17 - 25
11.8	Voorstelle: Straatname en Woonbuurtname, Area H, Bredasdorp	37 - 39	-
11.9	Verveemding (koop): Ged erf 955, Sruisbaai	39 - 41	26 - 34
11.10	Herroep Raadsbesluit: Verveemding - Oopruimte langs erf 528, WHK	41 - 43	-
11.11	Progress Report: Various Struisbaai Development Projects	43 - 46	-
11.12	Heroorweging: Riool Infrastruktuurbydraes Tariewe	46 - 47	-
11.13	Reviewed and Amended Cost Containment Policy	47 - 48	35 - 76
11.14	Anti-Corruption and Fraud Prevention Policy, Strategy and Plan	48 - 49	77 - 125
11.15	Approval of Reviewed Cape Agulhas Youth Policy	50	126 - 136
11.16	Verhuring van Sportgeriewe: Tariewe 2019/2020	50 - 51	-
12.	<b><u>DRINGENDE SAKE DEUR DIE MUNISIPALE BESTUURDER</u></b>		
12.1	Kwytstelling van bouplanelde: Aanbou van kamer vir siek kind	52	
12.2	Workload Assessment Project: Traffic Department and Libraries	52 - 53	
12.3	Uitstaande Erfbelasting: Morawiese Kerk, Elim	53 - 55	
13.	<b><u>OORWEGING VAN KENNISGEWING VAN MOSIES</u></b>		
	Geen.		
14.	<b><u>OORWEGING VAN KENNISGEWING VAN VRAE</u></b>		
	Geen.		
15.	<b><u>OORWEGING VAN DRINGENDE MOSIES</u></b>		
	Geen.		
16.	<b><u>VERSLAG DEUR MUNISIPALE BESTUURDER OOR DIE UITVOERING VAN RAADSBSLUIE</u></b>		
	Lys van onafgehandelde Raadsbesluite verskyn op <i>bladsy 56</i> .		
17.	<b><u>IN-KOMITEE VERSLAE</u></b>		
	Die In-Komitee items word vertroulik hanteer.		
18.	<b><u>SLUITING</u></b>		
	Die vergadering verdaag om 13:05		

11. **ITEMS NA DIE RAAD VERWYS VIR OORWEGING**

11.1 **REQUEST FOR USE OF ERVEN 390 AND 608, L'AGULHAS (TRP - 15/5/5) (WARD 5)**

**PURPOSE OF REPORT**

For Council to consider the request from Zoetendal Academy.

**BACKGROUND**

Owner : Cape Agulhas Municipality  
 Zoning - Erf 608 : Open Space  
 Zoning Erf 390 : Civic and Social



**ERF 608**

Land Parcel	
	Erf 608 of Agulhas
Address	HOFFMANSTRAAT
SG Number	C01100010000060800000
Municipality	Cape Agulhas
Township/Holding: Title Deed	Agulhas
Suburb: Financials	L'Agulhas (0001)
Extent	1.2848Ha
Title Deed	T14608/1992
Owners	Mun L'Agulhas
Registered	11 Mar 1992
Price	100,000.00
Municipal Value	1,280,000.00
Latest Valuation	850,000.00
Valuation Category	MUN
H Area	Unknown

**ERF 390**

Land Parcel	
<b>Erf</b>	Erf 390 of Agulhas
<b>Address</b>	WESSELSSTRAAT 74
<b>SG Number</b>	C01100010000039000000
<b>Municipality</b>	Cape Agulhas
<b>Township/Holding: Title Deed</b>	Agulhas
<b>Suburb: Financials</b>	L'agulhas (0001)
<b>Extent</b>	2,5635Ha
<b>Title Deed</b>	T45251/1986
<b>Owners</b>	Mun L'agulhas
<b>Registered</b>	17 Nov 1986
<b>Price</b>	0.00
<b>Municipal Value</b>	2,560,000.00
<b>Latest Valuation</b>	1,200,000.00
<b>Valuation Category</b>	MUN
<b>H Area</b>	Unknown

**CAPE AGULHAS INTEGRATED ZONING SCHEME**

Erf 608, L'Agulhas is zoned for Open Space purposes in terms of the Cape Agulhas Integrated Zoning Scheme.

**Purpose of the zone**

The purpose of this zone is to provide for active and passive open space and public spaces in urban areas. This may include spaces that are intensively landscaped (green) and which are used for recreational purposes, and which add to the amenity of an area, or spaces that may be used for a variety of community and commercial uses on a non-permanent basis such as informal trading, periodical markets, concerts or public meetings.

**Land use within zone**

The following uses are allowed in this zone:

Primary uses	Consent uses
<ul style="list-style-type: none"> <li>• Public open space</li> <li>• Private open space</li> <li>• Urban agriculture</li> <li>• Rooftop base station</li> </ul>	<ul style="list-style-type: none"> <li>• Cemetery</li> <li>• Place of worship</li> <li>• Place of assembly</li> <li>• Crematorium</li> <li>• Informal trading</li> <li>• Institutional building</li> <li>• Place of instruction</li> <li>• Restaurant</li> <li>• Boat launching facility</li> <li>• Transmission tower</li> </ul>

**Development rules**

The Municipality may determine development rules in accordance with the purpose of this zone.

**Informal trading**

Use of public space for business by street vendors, peddlers or hawkers may be permitted subject to:

- (a) Compliance with any applicable Municipal by-law relating to street vendors, peddlers or hawkers,
- (b) The Municipality terminating such use if, in its opinion, there is interference with pedestrian movement, or with the amenity of the area, or such use constitutes a public nuisance; and
- (c) Loading and offloading of goods not causing undue traffic and pedestrian movement disturbances.

#### **Use of public space for assembly**

The Municipality may grant its consent for the use of public spaces for assembly purposes, provided that it is satisfied that:

- (a) Adequate traffic management and pedestrian safety measures have been put in place;
- (b) Adequate provision has been made for emergencies of any nature;
- (c) Access, egress and emergency evacuation measures are adequate, and
- (d) The management of the event complies with any applicable municipal by-law.

#### **Facilities for informal trading, public ablution facilities, institutional buildings and places of assembly**

In granting its consent for the erection for facilities for informal trading, public ablution facilities, institutional buildings or places of assembly, the Municipality shall consider the impact of such buildings on the use and amenity of the public place and determine the development rules in accordance with such considerations.

#### **Cemeteries**

The Municipality may grant its consent for the establishment of cemeteries in this zone subject to any applicable Municipal by-laws.

#### **Environmental management plan**

The Municipality may require an environmental management plan as a condition of rezoning to open space or of its consent for any of the uses indicated above.

#### **Site development plan**

The Municipality may require a site development plan to be submitted to its satisfaction as a condition of rezoning to conservation area or of its consent for any of the consent uses indicated above.

#### **Visual impact assessment**

When considering an application for any proposed development in this zone, the Municipality may require a visual impact assessment of the proposed development to be submitted to its satisfaction.

#### **Use of public space for parking**

The Municipality may allow public open spaces that are not being used for the purposes of this zone, to be used for public parking purposes on a temporary basis.

Erf 390, L'Agulhas is zoned for Civic- and Social purposes in terms of the Cape Agulhas Integrated Zoning Scheme.

#### **Purpose of the zone**

The purpose of this zone is to provide for uses directed at serving community needs related to education, religion, health, social interaction, and recreation. Some of these uses require only consent in zones such as business and service business. However, where it is considered that such uses may potentially have a significant impact on surrounding uses, in residential areas for instance, rezoning will be required.

**Land use within zone**

The following uses are allowed in this zone:

Primary uses	Consent uses
<ul style="list-style-type: none"> <li>• Place of instruction</li> <li>• Place of worship</li> <li>• Institutional building</li> <li>• Public open space</li> <li>• Urban agriculture</li> </ul>	<ul style="list-style-type: none"> <li>• Conference facility</li> <li>• Cemetery</li> <li>• Dwelling house</li> <li>• Place of assembly</li> <li>• Rooftop base station</li> <li>• Transmission tower</li> </ul>

**Development rules**

The following development rules apply to buildings in this zone:

Type of building	Floor factor	Maximum coverage	Maximum height	Street building line	Lateral and rear building lines
Place of instruction	1.0	60%	8,0m	10m	4,5m
Place of worship	1.0	60%	8,0m, provided that tower features designed to signify the significance of the building, may be higher with the consent of the Municipality.	10m	4,5m
Institutional building	1.5	60%	8,0m	10m	4,5m

Where the Municipality grants its consent for a dwelling house of a religious leader, the development rules for the Single Residential Zone shall apply.

**Site development plan**

The Municipality may require a site development plan to be submitted to its satisfaction, provided that:

- (a) The Municipality shall not unreasonably refuse a site development plan that is consistent with the development rules of this zone, or conditions of a rezoning approval, and
- (b) The Municipality may require amendments to the site development plan to address reasonable concerns relating to access, parking, architectural form, urban design, landscaping, engineering services or similar concerns.

**Environmental management plan**

The Municipality may require an environmental management plan as a condition of rezoning to the Civic or Social Zone or of its consent for any of the uses indicated above.






**CAPE AGULHAS SPATIAL DEVELOPMENT FRAMEWORK PLAN**

In terms of the Cape Agulhas Spatial Development Framework Plan the focus for L'Agulhas remains to enhance tourism and visitor amenity at the Lighthouse precinct and accommodating an Eco Estate sensitive to the general environment of the settlement.





**CHANGE ACTIONS**

-  ENHANCED COMMERCIAL OR INDUSTRIAL ACCOMMODATION
-  AREAS FOR PERI-URBAN AGRICULTURE
-  HOUSING DENSIFICATION AND INFILL
-  TREE PLANTING ROUTES AND IMPROVED LANDSCAPING
-  INFORMAL SETTLEMENTS AND AFFORDABLE HOUSING AREAS

Erven 390 and 608, L'Agulhas falls within the Urban Edge.

Change Actions:

Change actions	Areas or places to be upgraded	Informal settlements/ affordable housing areas	-
	Area for enhanced economic opportunity	Integration areas between informal areas/ affordable housing areas and centres of commercial activity	-
		Enhanced commercial or industrial accommodation for user convenience, entrepreneurship development, and work opportunity.	<ul style="list-style-type: none"> <li>• Integrate commercial and non-residential development as far as possible abutting Main Road west of the caravan park.</li> </ul>
		Focus area for public markets	-
	Areas for densification and infill	Areas for peri-urban agriculture	-
		Residential infill and densification	<ul style="list-style-type: none"> <li>• Allow sensitive densification of residential fabric in L'Agulhas subject to the general height and character of surrounding development.</li> </ul>
	Areas for efficient/ improved access to public services	Places for clustering public facilities	-
Improved landscaping	Streets or places where landscaping and tree planting should be focused	<ul style="list-style-type: none"> <li>• Focus landscaping initiatives on a continuous NMT route linking Struisbaai North – and focal public places in between – to the Lighthouse precinct in L'Agulhas.</li> </ul>	
Improved public amenity	Public amenity (e.g. ablution facilities) and easy access	<ul style="list-style-type: none"> <li>• Maintain and upgrade beach-side parking areas, pedestrian routes, ablution facilities, and stairs/ steps (without creating large tarmacked areas).</li> </ul>	

Implementation Framework Strategy as per the Spatial Development Framework Plan:

**CAM will *inter alia***

- Utilise Provincial biodiversity mapping to inform land use decision-making supportive of ecological integrity and natural resource protection.
- Assist in CapeNature's protected area expansion strategy and stewardship programme by highlighting priority areas outside the protected area network that are critical for the achievement of the Province's conservation targets (and by managing land use in these areas in a manner supportive of conservation goals).
- Delineate and manage urban edges, coastal and estuarine, and watercourse setbacks in a manner which diverts urban growth pressures away from ecologically important areas.
- Preserve significant and high-potential agricultural land within the municipality.

**SPLUMA**

In step with the SPLUMA principles, the following should be considered with the different options:

<b>PRINCIPLE</b>	<b>SUMMARY</b>
<b>Spatial justice</b>	<ul style="list-style-type: none"> <li>• Past spatial and other development imbalances must be redressed through improved access to and use of land.</li> <li>• SDFs (and associated policies) must address the inclusion of persons and areas that were previously excluded, with an emphasis on informal settlements, and areas characterised by widespread poverty and deprivation.</li> <li>• Spatial planning mechanisms, including land use schemes, must incorporate provisions that enable redress in access to land by disadvantaged communities and persons.</li> <li>• Land use management systems must include all areas of a municipality and specifically include provisions that are flexible and appropriate for the management of disadvantaged areas and informal settlements.</li> <li>• Land development procedures must include provisions that accommodate access to secure tenure and the incremental upgrading of informal areas.</li> <li>• In considering an application, a Municipal Planning Tribunal may not be impeded or restricted in the exercise of its discretion solely because the value of land or property is affected by the outcome of the application.</li> </ul>
<b>Spatial sustainability</b>	<p>Promote land development that is within the fiscal, institutional and administrative means of government.</p> <ul style="list-style-type: none"> <li>• Give special consideration to the protection of prime and unique agricultural land.</li> <li>• Uphold consistency of land use measures in accordance with environmental management instruments.</li> <li>• Promote and stimulate the effective and equitable functioning of land markets.</li> <li>• Consider all current and future costs to all parties for the provision of infrastructure and social services in land developments.</li> <li>• Promote land development in locations that are sustainable, limit urban sprawl, and result in communities that are viable.</li> </ul>
<b>Efficiency</b>	<ul style="list-style-type: none"> <li>• Land development must optimise the use of existing resources and infrastructure.</li> <li>• Decision-making procedures must be designed to minimise negative financial, social, economic or environmental impacts.</li> <li>• Development application procedures must be efficient, streamlined, and timeframes adhered to by all parties.</li> </ul>
<b>Spatial resilience</b>	<p>Spatial plans, policies and land use management systems must be flexible to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks.</p>
<b>Good administration</b>	<ul style="list-style-type: none"> <li>• All spheres of government must ensure an integrated approach to land use and land development.</li> <li>• All government departments must provide their sector inputs and comply with any other prescribed requirements during the preparation or amendment of SDFs.</li> <li>• The requirements of any law relating to land development and land use must be met timeously.</li> <li>• The preparation and amendment of spatial plans, policies, land use schemes as well as procedures for development applications, must include transparent processes of public participation that afford all parties the opportunity to provide inputs on matters affecting them.</li> </ul> <p>Policies, legislation and procedures must be clearly set out in a manner which informs and empowers the public.</p>

**ENVIRONMENTAL IMPACT**

Major environmental threats to be mitigated and adapted to -

Complex and broad-scale environmental challenges such as climate change, food insecurity, sea level rise, and coastal erosion cannot be effectively managed at the municipal scale. Responses should focus on adaptation, particularly through:

- Adoption of a conservative approach to further coastal development, guided by coastal management lines and coastal protection zones delineated by provincial government.

- Ensuring resource efficiency in building, including for affordable housing, by reducing energy use through building massing and configuration, and by exploiting passive energy design.
- Compacting settlements (also enabling non-motorised transport).
- Mainstreaming water conservation and demand management in settlement making and upgrading.
- Management and control of alien invasive vegetation, particularly in catchment areas and protected areas.
- Protecting significant agricultural land with long term food security value from urban encroachment.

Land uses within CBAs and ESAs must be carefully reviewed for suitability; development within a CBA would require strong motivation and is likely to be subject to an environmental authorisation and EIA. As seen on the map below the affected portion of Erven 390 and 608 L'Agulhas falls outside the CBA.



## ZOETENDAL ACADEMY

Messrs Eloise Krige submitted the following request on behalf of the Zoetendal Technical Committee:

5 Maart 2019

**Insake: Grond vir die uitbreiding en ontwikkeling van Zoetendal Akademie, te L'Agulhas. Opmerkings vanaf Kaap Agulhas Besigheids Assosiasie.**

Die Kaap Agulhas Besigheids Assosiasie ondersteun die versoek vanaf Zoetendal Akademie om erf 390 met aangrensende erf 608, en dan ook erf 601, vanaf KAM te huur vir 'n tydperk van 9 jaar en 11 maande, met die opsie om te verleng. Hier gaan dit oor volhoubaarheid en die integrasie van gemeenskappe om samewerking en samehorigheid aan te wakker. Hier het ons die geleentheid om 'n omgewing te skep wat stadig maar seker ontwikkel. Ons stem saam met die skool dat die sportveld wat hulle beoog op erwe 390 en 608 'n reuse bydrae sal lewer in die bereik van hierdie doelwitte! Die gebou wat op erf 601 is, kan met groot sukses benut word vir nog klaskamers vir hierdie groeiende skooltjie.

Punte om in gedagte te hou:

- 1) Zoetendal Akademie is nie 'n privaat skool nie maar 'n onafhanklike skool en word befonds deur die ouers en WKOD.
- 2) Die leerlinge kom uit Suiderstrand, Agulhas, Struisbaai en Struisbaai Noord.
- 3) Leerlingtal tans 64 waarvan 25% leerlinge van kleur is.
- 4) Dit is 'n tweetalige skool, Afrikaans en Engels as voertale en vanaf 2019, word Khoza ook aangebied.
- 5) Ons het 'n vinnig groeiende gemeenskap wat bystand nodig het van KAM
- 6) Daar is reeds navorsing gedoen wat getoon het dat daar geen bedreigde spesies op hierdie erwe is wat in gedrang sal kom tydens ontwikkeling nie. Die klem lê hier ook op die bewaring van ons natuur wat op die voorstelling aangetoon is.
- 7) Paul Boshoff wat goed bekend is by KAM het kosteloos 'n voorstelling opgestel wat by hierdie versoek aangeheg is.
- 8) Buiten die huur van die gebou op erf 601 en die daarstel van 'n sportveld op erwe 390 en 608 wat ook beskikbaar sal wees vir die gemeenskap om te gebruik, het die skool ook die volgende in gedagte:

- Bankies onder die bome vir piekniek
- Speelareas vir kleuters en kinders
- Opelug gym vir ouer kinders en volwassenes wat saam met die sportveld benut kan word
- 'n Klein ablusieblok
- Sluitbare elektriese punte vir funksies

Die Kaap Agulhas Besigheids Assosiasie vra saam met die skool dat u hierdie versoek gunstig sal oorweeg.

Groete,

Eloise Krige  
Voorsitter  
Kaap Agulhas Besigheids Assosiasie (KABA)

### **DISCUSSION**

In order to utilise Erven 390 and 608, L'Agulhas as requested by Zoetendal Academy, the following has to be considered:

- (1) Zoning;
- (2) Amendment of SDF;
- (3) Availability of Services.

### **RAADSBESLUIT: 23 JULIE 2019**

Op 23 Julie 2019 neem die Raad die volgende besluit (119/2019):

- (i) *Die Komitee ondersteun die verhuring van erwe 390 en 608, L'Agulhas aan Zoetendal Akademie.*
- (ii) *Dat 'n sub-komitee, bestaande uit: Raadslid Burger, Raadsheer Jantjies, Raadslid Jacobs, Raadsdame Marthinus, Munisipale Bestuurder en mnr Hayward 'n terrein inspeksie uitvoer.*
- (iii) *Dat insette ook vanaf die Wykskomitee gein word.*

### **TERREIN INSPEKSIE**

Op 30 Julie 2019 onderneem Raadslede Burger en Jacobs en mnr Hayward 'n terreininspeksie en word die volgende aanbeveling gemaak na die Finans- en IT Dienste Komitee vir oorweging:

### **MARK HUURWAARDE**

R1 000,00 / jaar

### **FINANSIËLE IMPLIKASIES**

Grondverhuring bring 'n inkomste vir die Raad.

### **LEGAL IMPLICATIONS**

This asset of the Council is not required for the provision of the minimum level of basic services. However, the following legal requirements and community participation processes will have to be followed:

Council policy	Alienation of land
<b>MFMA</b>	1.Sect 14(2)(a): asset not required for minimum level of basic services. 2.Sect 14(2)(b): consider fair market value and economic and community value to be received in exchange for the asset. 3.Items in 1 and 2 only to be complied with if the asset to be transferred is a high value asset (see definition of MATR below). 4.Sect 33: Contracts having long term financial implications.
<b>MATR</b>	1. Definition of "high value asset": "fair market value of the capital asset exceeds any of the following amounts: a) R50 million; b) One percent of the total value of the capital assets of the municipality.... c) An amount determined by resolution of the council of the municipality which is less than (a) or (b). 2. Definition of "realisable value": fair market value less estimated costs of completion. 3. Definition of "right to use, control or manage": when granting such rights do not amount to permanent transfer or disposal. 4. Regulation 5 (decision-making). 5. Regulation 6 (public participation)
<b>SCM Regulations SCM Policy</b>	Regulation 40: (Disposal Management) Project for job creation, skills development, poverty alleviation and economic growth
<b>Systems Act (public participation)</b>	Section 21A: (1) All documents that must be made public by a municipality in terms of a requirement of this Act, the Municipal finance Management Act or other applicable legislation, must be conveyed to the local community: (a) by displaying the documents at the municipality's head and satellite offices and libraries; (b) by displaying the documents on the municipality's official website, if the municipality has a website as envisaged by section 21 B; and (c) by notifying the local community, in accordance with section 21, of the place, including website address, where detailed particulars concerning the documents can be obtained.

### **BESTUURSAANBEVELING**

(i) Dat, aangesien die eiendomme, ingevolge Art 14(2)(a) van die Plaaslike Regering: Munisipale Finansiële Bestuurswet nie vir die lewering van die minimum vlak van basiese dienste benodig word nie, in-beginsel-goedkeuring verleen word vir die verhuring van Erwe 390 en 608, L'Agulhas aan Mnre Zoetendal Akademie vir 'n termyn van 9 jaar en 11 maande met die opsie om die huur vir 'n verdere tydperk te verleng teen R1000/jaar, op voorwaarde dat:

1. Alle wetlike vereistes vir langtermyn verhuring nagekom word.
2. Die standaard terugvalklausule ook duidelik in die kontrak vervat word.
3. Bevestiging binne 6 maande ontvang word van die opskortende voorwaarde.
4. Die huur slegs gehef word vanaf die datum van okkupasie, en nie met die ondertekening van die huurooreenkoms nie.
5. Die aansoeker in kennis gestel word dat alle stadsbeplanning, landmeting en wysiging van die ROR-prosesse aan die Raad voorgelê word vir openbare kennisgewing en oorweging deur die Tribunaal op Mnre Zoetendal Akademie se kostes.
6. 'n Moontlike omgewingsaansoek vir die aansoeker se rekening sal wees.

(ii) Dat die aansoeker dienooreenkomstig in kennis gestel word.

### **KOMMENTAAR: WYK 5**

Die Wykskomitee ondersteun die aansoek.

### **AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE**

Dat die Bestuursaanbeveling aanvaar word.

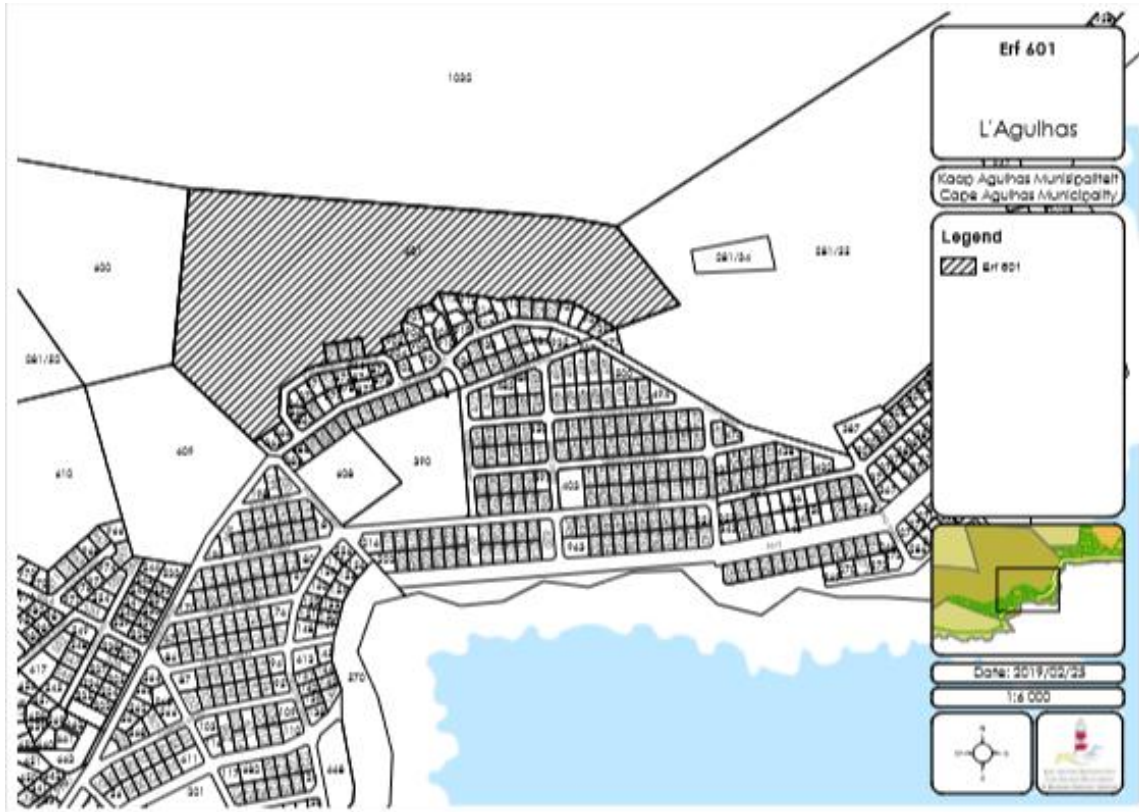
### **BESLUIT 148/2019**

Dat die Finansies- en IT Dienste Komitee se aanbeveling as 'n besluit van die Raad aanvaar word.



11.2 **REQUEST FOR USE OF ERF 601, L'AGULHAS (TRP - 15/5/5) (WARD 5)****PURPOSE OF REPORT**

For Council to consider the request from Zoetendal Academy.

**BACKGROUND**

Owner : Cape Agulhas Municipality  
 Locality : 16 Jim van Druten Avenue, L'Agulhas  
 Size : 15.3557 Ha  
 Zoning : Agriculture

**COUNCIL DECISION: 30 APRIL 2019**

On 30 April 2019 Council took the following decision (51/2019):

*“That the matter be referred back to the Finance- and IT Services Committee for further investigation.”*

**COUNCIL DECISION: 7 DECEMBER 2017**

Council received a request during 2017 from ms E Potgieter to operate a Backpackers from the existing building. With this request the following comments were received from line departments:

**On 7 December 2017 Council took the following decision (252/2017) regarding the Backpacker's request:**

*“Aangesien die eiendom, ingevolge Art 14(2)(a) van die Plaaslike Regering: Munisipale Finansiële Bestuurswet nie vir die lewering van die minimum vlak van basiese dienste benodig word nie, in-beginsel-goedkeuring verleen word vir die verhuring van erf 601, L'Agulhas aan me E Potgieter vir 'n termyn van 3 jaar met die opsie om die huur vir 'n verdere tydperk te verleng, op voorwaarde dat:*

- (i) *Alle wetlike prosesse gevolg moet word.*
- (ii) *Dat nadat insette uit die publieke deelname proses ontvang is, die aangeleentheid weer aan die raad voorgelê word vir oorweging.*
- (iii) *Dat die Raad kennis neem dat 'n gedeelte van die eiendom wel vir basiese dienste benodig word, aangesien daar boorgate op die genoemde perseel is."*

### **CAPE AGULHAS INTEGRATED ZONING SCHEME**

Erf 601, L'Agulhas is zoned for Agricultural purposes in terms of the Cape Agulhas Integrated Zoning Scheme.

#### **Purpose of the zone**

The purpose of the zone is to provide for and protect agricultural activities and viable agricultural units as an important economic, environmental and cultural resource. Provision is made for non-agricultural activities, in particular tourism related activities, so as to allow for the realisation of the optimum economic potential of agricultural properties, provided that these do not have a significant impact on the agricultural resource base. Environmental management plans should be required for tourism related uses, such as 4X4 trails, as well as other uses that may in the opinion of the Municipality have a potentially significant impact on the resource base.

#### **Land use within zone**

The following uses are allowed in this zone:

<b>Primary uses</b>	<b>Consent uses</b>
<ul style="list-style-type: none"> <li>• Agriculture</li> <li>• Occupational practice</li> <li>• Dwelling house</li> <li>• Intensive horticulture</li> <li>• Intensive animal farming</li> <li>• Dwelling unit for use by bona fide farm manager</li> <li>• Farm worker accommodation</li> </ul>	<ul style="list-style-type: none"> <li>• Second dwelling unit</li> <li>• Guest accommodation</li> <li>• Farm shop</li> <li>• Farm stall</li> <li>• Restaurant</li> <li>• Tourist facilities</li> <li>• Riding school</li> <li>• Plant nursery</li> <li>• 4x4 trail</li> <li>• Commercial kennels</li> <li>• Aquaculture</li> <li>• Service industry</li> <li>• Rooftop base station</li> <li>• Transmission tower</li> <li>• Renewable energy structure</li> </ul>

### **CAPE AGULHAS SPATIAL DEVELOPMENT FRAMEWORK PLAN**

In terms of the Cape Agulhas Spatial Development Framework Plan the focus for L'Agulhas remains to enhance tourism and visitor amenity at the Lighthouse precinct and accommodating an Eco Estate sensitive to the general environment of the settlement.



Erf 601, L'Agulhas falls partially outside the Urban Edge and any proposed development should require an amendment of the Urban Edge.

### **Implementation Framework Strategy as per the Spatial Development Framework Plan:**

#### **CAM will *inter alia*:**

- Utilise Provincial biodiversity mapping to inform land use decision-making supportive of ecological integrity and natural resource protection.
- Assist in CapeNature's protected area expansion strategy and stewardship programme by highlighting priority areas outside the protected area network that are critical for the achievement of the Province's conservation targets (and by managing land use in these areas in a manner supportive of conservation goals).
- Delineate and manage urban edges, coastal and estuarine, and watercourse setbacks in a manner which diverts urban growth pressures away from ecologically important areas.
- Preserve significant and high-potential agricultural land within the municipality.

#### **SPLUMA**

In step with the SPLUMA principles, the following should be considered with the different options:

<b>PRINCIPLE</b>	<b>SUMMARY</b>
<b>Spatial justice</b>	<ul style="list-style-type: none"> <li>• Past spatial and other development imbalances must be redressed through improved access to and use of land.</li> <li>• SDFs (and associated policies) must address the inclusion of persons and areas that were previously excluded, with an emphasis on informal settlements, and areas characterised by widespread poverty and deprivation.</li> <li>• Spatial planning mechanisms, including land use schemes, must incorporate provisions that enable redress in access to land by disadvantaged communities and persons.</li> <li>• Land use management systems must include all areas of a municipality and specifically include provisions that are flexible and appropriate for the management of disadvantaged areas and informal settlements.</li> <li>• Land development procedures must include provisions that accommodate access to secure tenure and the incremental upgrading of informal areas.</li> <li>• In considering an application, a Municipal Planning Tribunal may not be impeded or restricted in the exercise of its discretion solely because the value of land or property is affected by the outcome of the application.</li> </ul>
<b>Spatial sustainability</b>	<p>Promote land development that is within the fiscal, institutional and administrative means of government.</p> <ul style="list-style-type: none"> <li>• Give special consideration to the protection of prime and unique agricultural land.</li> <li>• Uphold consistency of land use measures in accordance with environmental management instruments.</li> <li>• Promote and stimulate the effective and equitable functioning of land markets.</li> <li>• Consider all current and future costs to all parties for the provision of infrastructure and social services in land developments.</li> <li>• Promote land development in locations that are sustainable, limit urban sprawl, and result in communities that are viable.</li> </ul>
<b>Efficiency</b>	<ul style="list-style-type: none"> <li>• Land development must optimise the use of existing resources and infrastructure.</li> <li>• Decision-making procedures must be designed to minimise negative financial, social, economic or environmental impacts.</li> <li>• Development application procedures must be efficient, streamlined, and timeframes adhered to by all parties.</li> </ul>



<b>Spatial resilience</b>	Spatial plans, policies and land use management systems must be flexible to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks.
<b>Good administration</b>	<ul style="list-style-type: none"> <li>• All spheres of government must ensure an integrated approach to land use and land development.</li> <li>• All government departments must provide their sector inputs and comply with any other prescribed requirements during the preparation or amendment of SDFs.</li> <li>• The requirements of any law relating to land development and land use must be met timeously.</li> <li>• The preparation and amendment of spatial plans, policies, land use schemes as well as procedures for development applications, must include transparent processes of public participation that afford all parties the opportunity to provide inputs on matters affecting them.</li> <li>• Policies, legislation and procedures must be clearly set out in a manner which informs and empowers the public</li> </ul>

**ENVIRONMENTAL IMPACT**

Major environmental threats to be mitigated and adapted to -

Complex and broad-scale environmental challenges such as climate change, food insecurity, sea level rise, and coastal erosion cannot be effectively managed at the municipal scale. Responses should focus on adaptation, particularly through:

- Adoption of a conservative approach to further coastal development, guided by coastal management lines and coastal protection zones delineated by provincial government.
- Ensuring resource efficiency in building, including for affordable housing, by reducing energy use through building massing and configuration, and by exploiting passive energy design.
- Compacting settlements (also enabling non-motorised transport).
- Mainstreaming water conservation and demand management in settlement making and upgrading.
- Management and control of alien invasive vegetation, particularly in catchment areas and protected areas.
- Protecting significant agricultural land with long term food security value from urban encroachment.

Land uses within CBAs and ESAs must be carefully reviewed for suitability; development within a CBA would require strong motivation and is likely to be subject to an environmental authorisation and EIA. As seen on the map below the affected portion of Erf 601 L’Aguilhas falls outside the CBA.



**ZOETENDAL ACADEMY**

Messrs Eloise Krige submitted the following request on behalf of the Zoetendal Technical Committee:

5 Maart 2019

**Insake: Grond vir die uitbreiding en ontwikkeling van Zoetendal Akademie, te L'Agulhas. Opmerkings vanaf Kaap Agulhas Besigheids Assosiasie.**

Die Kaap Agulhas Besigheids Assosiasie ondersteun die versoek vanaf Zoetendal Akademie om erf 390 met aangrensende erf 608, en dan ook erf 601, vanaf KAM te huur vir 'n tydperk van 9 jaar en 11 maande, met die opsie om te verleng. Hier gaan dit oor volhoubaarheid en die integrasie van gemeenskappe om samewerking en samehorigheid aan te wakker. Hier het ons die geleentheid om 'n omgewing te skep wat stadig maar seker ontwikkel. Ons stem saam met die skool dat die sportveld wat hulle beoog op erwe 390 en 608 'n reuse bydrae sal lewer in die bereik van hierdie doelwitte! Die gebou wat op erf 601 is, kan met groot sukses benut word vir nog klaskamers vir hierdie groeiende skooltjie.

Punte om in gedagte te hou:

- 1) Zoetendal Akademie is nie 'n privaat skool nie maar 'n onafhanklike skool en word befonds deur die ouers en WKOD.
- 2) Die leerlinge kom uit Suiderstrand, Agulhas, Struisbaai en Struisbaai Noord.
- 3) Leerlingtal tans 64 waarvan 25% leerlinge van kleur is.
- 4) Dit is 'n tweetalige skool, Afrikaans en Engels as voertale en vanaf 2019, word Khoza ook aangebied.
- 5) Ons het 'n vinnig groeiende gemeenskap wat bystand nodig het van KAM
- 6) Daar is reeds navorsing gedoen wat getoon het dat daar geen bedreigde spesies op hierdie erwe is wat in gedrang sal kom tydens ontwikkeling nie. Die klem lê hier ook op die bewaring van ons natuur wat op die voorstelling aangetoon is.
- 7) Paul Boshoff wat goed bekend is by KAM het kosteloos 'n voorstelling opgestel wat by hierdie versoek aangeheg is.
- 8) Buiten die huur van die gebou op erf 601 en die daarstel van 'n sportveld op erwe 390 en 608 wat ook beskikbaar sal wees vir die gemeenskap om te gebruik, het die skool ook die volgende in gedagte:
  - Bankies onder die bome vir piekniek
  - Speelareas vir kleuters en kinders
  - Opelug gym vir ouer kinders en volwassenes wat saam met die sportveld benut kan word
  - 'n Klein ablusieblok
  - Sluitbare elektriese punte vir funksies

Die Kaap Agulhas Besigheids Assosiasie vra saam met die skool dat u hierdie versoek gunstig sal oorweeg.

Groete,

Eloise Krige

Voorsitter

Kaap Agulhas Besigheids Assosiasie (KABA)

**DISCUSSION**

In order to utilise the existing structure on Erf 601, L'Agulhas for a school, the following has to be considered:

1. Physical Closure of Electrical boxes and Water pumps.
2. Application for departure for School purposes.

**COUNCIL DECISION: 23 JULY 2019**

The item was removed from the Agenda at Council on 23 July 2019.

**TERREIN INSPEKSIE**

Op 30 Julie 2019 onderneem Raadslede Burger en Jacobs en mnr Hayward 'n terreininspeksie en word die volgende aanbeveling gemaak na die Finans- en IT Dienste Komitee vir oorweging:

**MARK HUURWAARDE**

R1 000,00 / jaar

**FINANSIËLE IMPLIKASIES**

Gebou- en grondverhuur bring 'n inkomste vir die Raad.

**LEGAL IMPLICATIONS**

This asset of the Council is not required for the provision of the minimum level of basic services. However, the following legal requirements and community participation processes will have to be followed:

<b>Council policy</b>	<b>Alienation of land</b>
<b>MFMA</b>	<ol style="list-style-type: none"> <li>1.Sect 14(2)(a): asset not required for minimum level of basic services.</li> <li>2.Sect 14(2)(b): consider fair market value and economic and community value to be received in exchange for the asset.</li> <li>3.Items in 1 and 2 only to be complied with if the asset to be transferred is a high value asset (see definition of MATR below).</li> <li>4.Sect 33: Contracts having long term financial implications.</li> </ol>
<b>MATR</b>	<ol style="list-style-type: none"> <li>3. Definition of "high value asset": "fair market value of the capital asset exceeds any of the following amounts:               <ol style="list-style-type: none"> <li>a) R50 million;</li> <li>b) One percent of the total value of the capital assets of the municipality....</li> <li>c) An amount determined by resolution of the council of the municipality which is less than (a) or (b).</li> </ol> </li> <li>2. Definition of "realisable value": fair market value less estimated costs of completion.</li> <li>3. Definition of "right to use, control or manage": when granting such rights do not amount to permanent transfer or disposal.</li> <li>4. Regulation 5 (decision-making).</li> <li>5. Regulation 6 (public participation)</li> </ol>
<b>SCM Regulations SCM Policy</b>	Regulation 40: (Disposal Management) Project for job creation, skills development, poverty alleviation and economic growth
<b>Systems Act (public participation)</b>	<p>Section 21A: (1) All documents that must be made public by a municipality in terms of a requirement of this Act, the Municipal finance Management Act or other applicable legislation, must be conveyed to the local community:</p> <ol style="list-style-type: none"> <li>(a) by displaying the documents at the municipality's head and satellite offices and libraries;</li> <li>(b) by displaying the documents on the municipality's official website, if the municipality has a website as envisaged by section 21 B; and</li> <li>(c) by notifying the local community, in accordance with section 21, of the place, including website address, where detailed particulars concerning the documents can be obtained.</li> </ol>

**BESTUURSAANBEVELING**

- (i) Dat, aangesien die eiendomme, ingevolge Art 14(2)(a) van die Plaaslike Regering: Munisipale Finansiële Bestuurswet nie vir die lewering van die minimum vlak van basiese dienste benodig word nie, in-beginsel-goedkeuring verleen word vir die verhuring van 'n gedeelte van Erf 601, L'Agulhas aan Mnre Zoetendal Akademie teen R1000 / jaar vir 'n termyn van 9 jaar en 11 maande met die opsie om die huur vir 'n verdere tydperk te verleng, op voorwaarde dat:
- a) Alle wetlike vereistes vir langtermyn verhuring nagekom word.
  - b) Die standaard terugvalklousule ook duidelik in die kontrak vervat word.
  - c) Bevestiging binne 6 maande ontvang word van die opskortende voorwaarde.
  - d) Die huur slegs gehef word vanaf die datum van okkupasie, en nie met die ondertekening van die huurooreenkoms nie.
  - e) Die aansoeker in kennis gestel word dat alle stadsbeplanning, landmeting en wysiging van die ROR-prosesse aan die Raad voorgelê word vir openbare kennisgewing en oorweging deur die Tribunaal op Mnre Zoetendal Akademie se kostes.
  - f) Alle koste vir die opgradering van geboue en verskuiwing van elektriese kables vir die aansoeker se rekening wees, asook die beveiliging van die boorgate.
- (ii) Dat die aansoeker dienooreenkomstig in kennis gestel word.

**KOMMENTAAR: WYK 5**

Die Wykskomitee ondersteun die aansoek.

**AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE**

Dat die Bestuursaanbeveling aanvaar word.

**BESLUIT 149/2019**

Dat die Finansies- en IT Dienste Komitee se aanbeveling as 'n besluit van die Raad aanvaar word.

11.3 **VERLENGING VAN HUUROOREENKOMS: ABSOLUTE MARINE ADVENTURES - GEDEELTE ERF 854, STRUISBAAI (BAO)**

**DOEL VAN VERSLAG**

Om oorweging te skenk aan die verlenging van 'n huurkontrak van Absolute Marine Adventures op gedeelte van erf 854, Struisbaai om bedryf te word as restaurant.

**AGTERGROND**

Erf 854 in Struisbaai word tans verhuur aan Absolute Marine Adventures vir 'n seekos restaurant bekend as "Sea Shack". Die bestaande kontrak is geldig vanaf 1 November 2018 tot 31 Oktober 2019 en die Raad word versoek om die bestaande kontrak te verleng vir 'n verdere termyn van 1 jaar tot 31 Oktober 2020 (kontrak sowel as skrywe is aangeheg op **bladsy 4 tot 11**). Die bestaande restaurant het 'n sleutel fokus area in Struisbaai geword en is 'n bekende baken in die kusdorp.

Die huurgeld was aanvanklik R4 000,00 per maand.

**FINANSIËLE IMPLIKASIE**

Dat, indien die ooreenkoms verleng word, dit 'n addisionele inkomste van R4 000,00 per maand aan die Raad verseker.

**BESTUURSAANBEVELING**

- (i) Dat die bestaande ooreenkoms vir 'n verdere termyn van 1 jaar verleng word, vanaf 1 November 2019 tot 31 Oktober 2020 (die huurder mag heraanzoek doen vir verlenging) - Die opsie om te verleng, is die diskresie van die verhuurder en sal oorweeg word op skriftelike aanvraag van die huurder.
- (ii) Dat alle bestaande huurvoorwaardes steeds toegepas word.
- (iii) Dat Klousule 7 gewysig word om soos volg te lees: "*Die Huurder onderneem om die struktuur onmiddelik te verwyder en die terrein in dieselfde toestand te laat as wat dit ontvang is, binne drie dae na die verstryking van die ooreenkoms.*"
- (iv) Dat die Munisipale Bestuurder gemagtig word om die ooreenkoms namens die Raad te onderteken.

**AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE**

- (i) Dat die Bestuursaanbeveling aanvaar word.
- (ii) Dat die voorgestelde huurbedrag na R6 000,00 per maand verander word met ingang van die nuwe ooreenkoms.

**BESLUIT 150/2019**

- (i) Dat die Finansies- en IT Dienste Komitee se aanbeveling nie as 'n besluit van die Raad aanvaar word nie.
- (ii) Dat die aangeleentheid terug verwys word totdat die grondgebruik aansoek afgehandel is, waarna 'n verslag weer aan die Raad voorgelê sal word.

11.4 **RUILING: ERF 779, WAENHUISKRANS VIR GEDEELTE ERF 374, WAENHUISKRANS (DIE WAENHUIS PINKSTER KERK) (BAO)****DOEL VAN VERSLAG**

Om oorweging te skenk om onontwikkelde erf 779, Waenhuiskrans te ruil vir 'n gedeelte van erf 374, Waenhuiskrans (sien liggingsplan aangeheg op **bladsy 12**).

**ALGEMENE INLIGTING**

Eienaars	:	KAM
Eiendom	:	Erf 374, WHK
Erf Grootte	:	2330 m <sup>2</sup>
Gebruik tans	:	Gemeenskapsaal
Eienaars	:	Waenhuis Pinkster Kerk
Eiendom	:	Erf 779, Waenhuiskrans
Erf Grootte	:	814 m <sup>2</sup>
Gebruik tans	:	Ontoeganklik

**AGTERGROND**

Die Waenhuis Pinkster Kerk koop erf 779, Waenhuiskrans by die Raad en die volle koopsom word betaal. Die eiendom word op 9 April 2019 in die naam van Waenhuis Pinkster Kerk geregistreer (Akte T1331-1957). By nadere ondersoek deur die koper, word waargeneem dat die erf heeltemal ontoeganklik is en dat die erf in 'n sandgat van bykans 3 meter diep geleë is (sien skrywe aangeheg op **bladsy 13**). Verskeie ondersoeke is departementeel gedoen om alternatiewe gebruik te ondersoek, maar die erf sal nie as 'n veilige perseel beskou kan word nie. Die rioolaansluiting is onder andere te hoog en die kerk sal nie op die bestaande stelsels gekoppel kan word nie.

'n Terplaase ondersoek word weer op 21 Augustus 2019 uitgevoer deur die verteenwoordiger van die kerk asook verskeie amptenare van die Raad. Ooreenstemming word bereik dat die erf nie vir 'n kerk gebruik kan word nie. Die verteenwoordiger versoek die Raad om 'n alternatiewe perseel te identifiseer (sien skrywe aangeheg op **bladsy 14**).

Met die terplaaste besoek word 'n gedeelte van erf 374, Waenhuiskrans uitgewys as die gewenste gedeelte. Sien aangehegte sketse op **bladsy 15 en 16** in dié verband.

**Die kerk onderneem egter die volgende:**

1. Om erf 779 terug aan die Raad te transporteer.
2. Om alle regskoste te betaal wat voortspruit uit die ruiltransaksie.
3. Om die Landmeter te betaal vir die afmeet en registrasie van die nuwe erf van gedeelte erf 374.

Verdere ondersoek kan ook gedoen word om die hele landskapping van die gedeeltes erwe 374 en 375 te doen om moontlik as 'n "dorpsplein" geplavei te word vir toekomstige gebruik.

**Opsomming:** Die Waenhuis Pinkster Kerk is die geregistreerde eienaar van erf 779, Waenhuiskrans, maar as gevolg van die ontoeganklikheid van die erf, die Raad ruil vir gedeelte van erf 374, nagenoeg 800m<sup>2</sup>.

**Regstelling:** Om 'n ruiltransaksie met Waenhuis Pinkster Kerk aan te gaan om erf 779, Waenhuiskrans aan die Raad terug te transporteer in ruil vir gedeelte van erf 374.

**MARKWAARDASIE**

Nie van toepassing.

**FINANSIËLE IMPLIKASIES**

Geen finansiële koste vir die Raad nie.

**WETLIKE IMPLIKASIES**

Dat die nodige regstelling so spoedig moontlik gedoen word.

**BESTUURSAANBEVELING**

- (i) Dat goedkeuring gegee word om erf 779, Waenhuiskrans te ruil vir gedeelte van erf 374, Waenhuiskrans, met 'n grootte van nagenoeg 800m<sup>2</sup>.
- (ii) Dat geen kompensasie aan Waenhuis Pinkster Kerk betaal sal word nie.
- (iii) Dat die koste van die regstelling, vir die rekening van die eienaar van Waenhuis Pinkster Kerk sal wees.
- (iv) Dat die Raad se prokureur opdrag sal ontvang om die nodige transaksie te doen.

**AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE**

Dat die Bestuursaanbeveling aanvaar word.

**BESLUIT 151/2019**

Dat die Finansies- en IT Dienste Komitee se aanbeveling as 'n besluit van die Raad aanvaar word.



11.5 **PARKERING: ERF 549, BREDASDORP (B549 - BSSB) (WYK 4)****DOEL VAN DIE VERSLAG**

Vir die Raad om die versoek van Dr Saayman te oorweeg.

**AANSOEK**

Op 5 September 2019 ontvang die Raad die volgende skrywe van Dr Barto Saayman:

*"Graag versoek ek dat u my planne vir goedkeuring sal oorweeg. Ek het 'n bouplan by die KAM bou afdeling ingedien vir 'n beoogde aanbouing by my mediese praktyk in Langstraat- ERF 549. Dit behels 2 vertrekke, gesamentlik 48m<sup>2</sup>.*

*Die probleem wat ontstaan het is die minimum parkeervereistes wat deur die provinsie vereis word in Langstraat, spesifiek met betrekking tot 'n mediese spreekkamer. Daar is geen manier waarop ek aan dit kan voldoen nie.*

*Die versoek is dat ek van die Heuningberg gebou langsaan my se parkering gebruik mag maak (ERF 2176). Lg. perseel en my praktyk behoort aan Saayman Familie Trust waarvan ek en my vrou Marietjie die enigste trustees is (albei met komplimente van ABSA!). Op die planne ingedien is daar dan 'n totaal van 25 parkeerplekke beskikbaar. (Ek dink dit is die totaal- die planne is ingedien en ek het nie 'n kopie van die finale planne nie).*

*Nie die praktyk of Heuningberg het 'n toeloop van pasiënte en kliënte wat lank parkeer staan nie. Daar is elke 15-30 min 'n omset van parkering. Na die veranderinge wat ek by die praktyk en Heuningberg aangebring het om meer parkering op die perseel te skep, asook die ekstra parkering oorkant die pad in Langstraat, ontvang ek geen meer 'klagtes' oor mense wat sukkel om parkering te kry nie.*

*Ek het maar n bietjie gekyk na die ander mediese praktyke in Langstraat en die res van Bredasdorp, (Drs Retief, Albertyn, Prins en Bosch asook ander persele hoër op in Bredasdorp, soos die Gym en Bredasdorp square- hiermee vergeleke het ek eintlik baie parkeerplek. Graag versoek ek dat u my planne oorweeg.*

**LIGGINGSKAART: ERF 549, BREDASDORP**

**KOMMENTAAR**

**STADS- EN STREEKSBEPLANNING**

Met die Stadsbeplanningsgoedkeuring op 24 Junie 2013 was onder andere die volgende voorwaarde ingesluit:

21. Dat daar voldoen word aan die voorwaardes van die Departement Vervoer en Publieke Werke se skrywe met verwysingsnommer: 13/3/5/1-07/117 (Job 21169) gedateer 3 Junie 2013.

Gedurende 2013 was die Distrikspadengenieur se beswaar (gedateer 3 Junie 2013) teen die hersonerings juis op grond van die volgende:

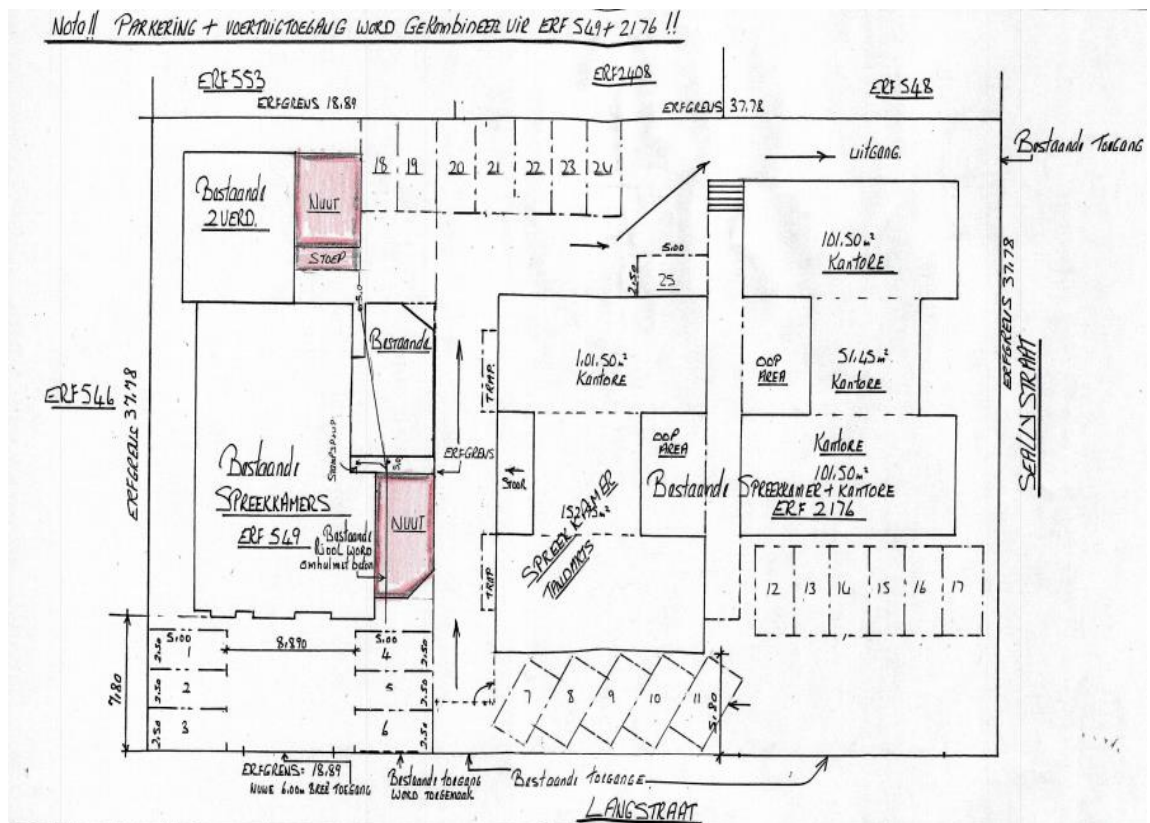
4. The site development plan shows a total floor area of 437m<sup>2</sup> and a shop area of 403 m<sup>2</sup>.
5. Parking has been provided at a rate of 1bay/60m<sup>2</sup> while the NDoT standard is 6bays/100m<sup>2</sup>.

Ingevolge die Soneringskema is die definisie vir 'n parkeervak as volg:

“**Parking Bay** means an area measuring not less than 5,0m x 2,5m for perpendicular parking and 6,0m x 2,8m for parallel parking, which is clearly outlined and demarcated for the parking of one motor vehicle and which is accessible to the satisfaction of the Municipality” en moet die parkeervereistes as volg wees:

Clinic / Medical Consulting Rooms : 4 Bays per consulting room

Die voorgestelde parkering en aanbouing op Erf 549, Bredasdorp sien as volg daarna uit:





Die Kaap Agulhas Geïntegreerde Soneringskema bepaal die volgende:

**Alternative parking requirements**

67. (1) As an alternative to compliance with the required off-street parking, the owner may with the approval of the Municipality:
- (a) acquire the prescribed area of land for the required parking facilities elsewhere in a position approved by the Municipality, and level, surface and maintain this land to the satisfaction of the Municipality, or
  - (b) acquire rights to a parking facility for the required parking elsewhere in a position approved by the Municipality, and
- (2) If the Municipality approves the provision of alternative parking in accordance with Sub-regulation (1), the owner shall register a notarial deed against such land or parking rights to the effect that the Municipality and the public shall have access to that parking area, and the cost of registration of the servitude shall be borne by the owner.

Dus, sou daar enigsins afgewyk word van die parkeervereistes op Erf 549 Bredasdorp beteken dit dat aansoek gedoen moet word daarvoor en die Distrikspadingenieur ook geken word in die proses.

Enige parkering wat op Erf 2176 Bredasdorp bygereken moet word, moet geskied dmv serwituut en/of notariële akte en/of konsolidasie en ook met bogenoemde proses in aggeneem.

**Met die be-oogde aanbouing van 48,7m<sup>2</sup>, sien die vereiste parkeervakke as volg uit:**

OPPERVLAKTE VAN GEBOU		PROVINSIALE VEREISTE		MUNISIPALE VEREISTE	
Huidige Oppervlakte	341m <sup>2</sup>	6 bays / 100m <sup>2</sup>	20 bays	4 bays / consulting room	8
Voorgestelde oppervlakte	48.7m <sup>2</sup>	6 bays / 100m <sup>2</sup>	3 bays		
<b>TOTAAL</b>	<b>389.7m<sup>2</sup></b>	<b>TOTAAL</b>	<b>23 bays</b>	<b>TOTAAL</b>	<b>8</b>

**MUNISIPALE BESTUURDER**

Dit blyk dat daar voldoende parkering op erf 2176 (Heuningberg) is om aan die vereistes vir parkering op Erf 549 met die nuwe aanbouing te kan voldoen. Ek het Woensdag somer vinnig om die geboue gestap nadat ek die praktyk vir 'n afspraak besoek het en kan dit bevestig.

Ek beveel aan dat daar in terme van KAM se soneringskema-regulasies 'n item na die raad geneem word vir die oorweging van die verskaffing van parkering op 'n erf ander dan die erf waarop dit vereis word deur die eienaar verskaf word. Indien dit nodig is kan ons selfs versoek dat aangesien die erwe nie gekonsolideer is nie maar wel aan een eienaar behoort, 'n inskrywing op die titelakte van erf 2176 gemaak word vir die gebruik, sodat indien die erf in die toekoms vervreem gaan word die reëling ten opsigte van parkering wel op die nuwe eienaar afgedwing kan word.

**BESTUURSAANBEVELING**

Dat 'n notariële inskrywing in die titelakte van Erf 2176, Bredasdorp gemaak word, naamlik dat die parkering van Erf 549, Bredasdorp op Erf 2176 voorsien word en sodoende beskerm word, sou enige van die twee erwe in die toekoms vervreem word.

**KOMMENTAAR: WYK 4**

Die Wykskomitee ondersteun die aansoek.

**BESLUIT 152/2019**

Dat die bestuursaanbeveling as 'n besluit van die Raad aanvaar word.

11.6 **VACANT BUSINESS AND INDUSTRIAL SITES: BREDASDORP (MTRP - 15/5/R) (WARDS 2, 3 AND 4)****PURPOSE OF REPORT**

For Council to take note of the vacant business sites in Ou Meulestreet, Bredasdorp and other Industrial erven in Bredasdorp that could be sold.

**BACKGROUND**

The Municipality successfully applied to participate in the RSEP / VPUU programme for Ou Meule Street, Bredasdorp. The application was approved and the Municipality was allocated R4 000 000,00 over 3 years in terms of DORA. The project had to be rolled out in terms of the implementation protocol concluded between the Municipal Manager and the Department of Environmental Affairs and Development Planning (DEADP).

**On 20 July 2018 the following memorandum was received from the Directorate: DDF -RSEP and VPUU (Department of Environmental Affairs and Development Planning):**

***“RSEP ROLL OUT TO BREDASDORP: CAM OU MEULE SREET CORRIDOR TASK TEAM FINDINGS AND WAY FORWARD (PROJECT MOTIVATION)***

**PURPOSE**

*The purpose of this memorandum is to notify Cape Agulhas Municipality (CAM) of the proposed way forward after the CAM Ou Meule Street Corridor meeting held on the 5<sup>th</sup> July 2018. The aim is for the RSEP PO to analyse and arrive at an informed decision, whether the top three (3) prioritised projects, post Ou Meule Street Corridor Task Team Meeting, are in line with the RSEP filters and should therefore be approved by the next CAM Council meeting.*

**PRIORITISED PROJECTS**1. **Shown in Figure 1 on the following page, the three (3) prioritised projects include:**

*LED Units/Stalls and ancillary braai facilities (See between Node 1 and Node 2 or in Node 3 only).*

*Upgrading of existing Multipurpose sportsground with braai facilities and ablution facilities (See Node 1).*

*Paving and pedestrian access/bridge in Ou-Meule Street at the crossing with Long Street, Landscaping and street lighting in crime areas (Between Nodes 1 and 3).*

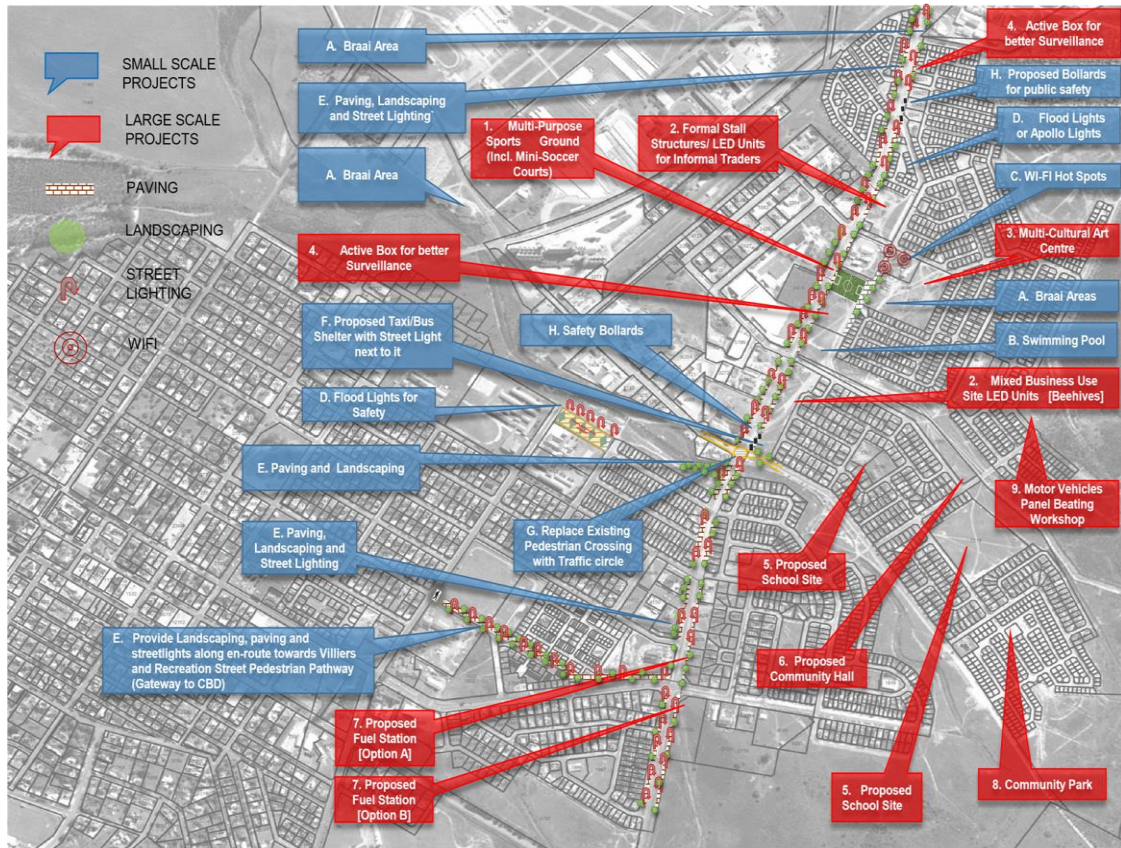
2. **The RSEP motivation of project filters are:**

*Will the project strengthen and promote the RSEP story and be potential examples/pilots/best practise for other towns and municipalities?*

*Will the project reflect ‘value for money’ with high impact relative to cost?*

*Will the project be supported by the residents, as communicated by appropriate community?*

*Will the project have a high feasibility rating and a low risk of delays extending beyond the Programme duration?*



**Figure 1:** Project Proposals for Co-funding in Ou-Meule Corridor

All three (3) prioritised projects, stated above, meet the RSEP filters and can therefore be recommended for approval at council.

However, the first proposed project, “LED Units/Stalls and ancillary braai facilities” does not meet the criteria if located in Node 3 and should therefore be located in Node 2. The reason for this is that Node 2 is already set up as a transition zone (where people move from home to work) and therefore experiences far higher footfall which will be beneficial to both traders and those in need of cash and carry goods closer to home (see Figure 2 below for assistance).





Figure 2: Project 1 proposed locations

On 31 July 2018 Council took inter alia the following decision (108/2018):

*“That Council approve the Upgrading of existing Multipurpose sportsground with braai facilities and ablution facilities at the Nelson Mandela Hall within YEAR 2.”*

**AVAILABLE SITES**

More and more requests are received from the public whereby they want to purchase business and industrial sites In Bredasdorp especially along Ou Meule Street.



The following are vacant Municipal owned Business and Industrial sites:

ERF NO	AREA (m <sup>2</sup> )	ZONING	GIS DETAIL
6237	1379	To be Industry zoned.	Not registered in the Deeds Office yet. Environmental Basic Assessment is still in process. Erven to be serviced.
6236	1379		
6235	1418		
6243	1719		
6234	1089		
6238	1379		
6239	1379		
6241	1379		
6240	1379		
6242	1379		
6244	1724		
6245	1731		
6246	1732		
6247	1216		
3629	2555	Business	<div style="border: 1px solid #ccc; padding: 5px;"> <p style="text-align: center;"><b>Land Parcel</b></p> <p style="text-align: right;">📏 🗺️ 📄 📁</p> <p><b>Erf</b> 3629 of Bredasdorp</p> <p><b>Address</b> KALKOENTJIESINGEL</p> <p><b>SG Number</b> C01100030000362900000</p> <p><b>Municipality</b> Cape Agulhas</p> <p><b>Township/Holding: Title Deed</b> Bredasdorp</p> <p><b>Suburb: Financials</b> Bredasdorp (0003)</p> <p><b>Extent</b> 2555sqm</p> <p><b>Title Deed</b> T28943/1993</p> <p><b>Owners</b> Mun Kaap Agulhas</p> <p><b>Registered</b> 30 Mar 1993</p> <p><b>Price</b> 0.00</p> <p><b>Municipal Value</b> 153,000.00</p> <p><b>Latest Valuation</b> 55,000.00</p> <p><b>Valuation Category</b> MUN</p> <p><b>H Area</b> Unknown</p> </div>
3628	1540	Business	<div style="border: 1px solid #ccc; padding: 5px;"> <p style="text-align: center;"><b>Land Parcel</b></p> <p style="text-align: right;">📏 🗺️ 📄 📁</p> <p><b>Erf</b> 3628 of Bredasdorp</p> <p><b>Address</b> KALKOENTJIESINGEL</p> <p><b>SG Number</b> C01100030000362800000</p> <p><b>Municipality</b> Cape Agulhas</p> <p><b>Township/Holding: Title Deed</b> Bredasdorp</p> <p><b>Suburb: Financials</b> Bredasdorp (0003)</p> <p><b>Extent</b> 1540sqm</p> <p><b>Title Deed</b> T28943/1993</p> <p><b>Owners</b> Mun Kaap Agulhas</p> <p><b>Registered</b> 30 Mar 1993</p> <p><b>Price</b> 0.00</p> <p><b>Municipal Value</b> 92,000.00</p> <p><b>Latest Valuation</b> 50,000.00</p> <p><b>Valuation Category</b> MUN</p> <p><b>H Area</b> Unknown</p> </div>
1599	2933	Business	LED CONTAINERS

3627	1540	Business	<p><b>Land Parcel</b></p> <p>Erf 3627 of Bredasdorp</p> <p><b>Address</b> KALKOENTJIESINGEL</p> <p><b>SG Number</b> C01100030000362700000</p> <p><b>Municipality</b> Cape Agulhas</p> <p><b>Township/Holding: Title Deed</b> Bredasdorp</p> <p><b>Suburb: Financials</b> Bredasdorp (0003)</p> <p><b>Extent</b> 1540sqm</p> <p><b>Title Deed</b> T28943/1993</p> <p><b>Owners</b> Mun Kaap Agulhas</p> <p><b>Registered</b> 30 Mar 1993</p> <p><b>Price</b> 0.00</p> <p><b>Municipal Value</b> 92,000.00</p> <p><b>Latest Valuation</b> 50,000.00</p> <p><b>Valuation Category</b> MUN</p> <p><b>H Area</b> Unknown</p>
3626	1375	Business	<p><b>Land Parcel</b></p> <p>Erf 3626 of Bredasdorp</p> <p><b>Address</b> KALKOENTJIESINGEL</p> <p><b>SG Number</b> C01100030000362600000</p> <p><b>Municipality</b> Cape Agulhas</p> <p><b>Township/Holding: Title Deed</b> Bredasdorp</p> <p><b>Suburb: Financials</b> Bredasdorp (0003)</p> <p><b>Extent</b> 1375sqm</p> <p><b>Title Deed</b> T28943/1993</p> <p><b>Owners</b> Mun Kaap Agulhas</p> <p><b>Registered</b> 30 Mar 1993</p> <p><b>Price</b> 0.00</p> <p><b>Municipal Value</b> 83,000.00</p> <p><b>Latest Valuation</b> 50,000.00</p> <p><b>Valuation Category</b> MUN</p> <p><b>H Area</b> Unknown</p>
6250	3869	To be Business zoned	Not registered in the Deeds Office yet. Part of Area F Housing Project.
6448	2256		
6691	2105		
5221	1091	Business	SOLD to Mandisi
5542	1226	Business	<p>Erf 5542 of Bredasdorp</p> <p><b>Address</b> 00630 Albertina Sisulu Straat</p> <p><b>SG Number</b> C01100030000554200000</p> <p><b>Municipality</b> Cape Agulhas</p> <p><b>Township/Holding: Title Deed</b> Bredasdorp</p> <p><b>Suburb: Financials</b> Bredasdorp (0003)</p> <p><b>Extent</b> 1226sqm</p> <p><b>Title Deed</b> T62560/2014</p> <p><b>Owners</b> Mun Kaap Agulhas</p> <p><b>Registered</b> 10 Nov 2014</p> <p><b>Price</b> 0.00</p> <p><b>Municipal Value</b> 61,000.00</p>

5543	1243	Business	<b>Erf</b> 5543 of Bredasdorp <b>Address</b> 00630 Albertina Sisulu Straat <b>SG Number</b> C01100030000554300000 <b>Municipality</b> Cape Agulhas <b>Township/Holding: Title Deed</b> Bredasdorp <b>Suburb: Financials</b> Bredasdorp (0003) <b>Extent</b> 1243sqm <b>Title Deed</b> T62560/2014 <b>Owners</b> Mun Kaap Agulhas <b>Registered</b> 10 Nov 2014 <b>Price</b> 0.00 <b>Municipal Value</b> 62,000.00
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**BUSINESS ZONE**

In terms of the Cape Agulhas Integrated Zoning Scheme BUSINESS ZONE is described as follow:

**Purpose of the zone:** To provide for the establishment of mixed uses in business nodes and along activity streets.

**Land use within zone - The following uses are allowed in this zone:**

Primary Use	Consent Uses
<ul style="list-style-type: none"> <li>• Business premises</li> <li>• Flats (provided that flats may only be provided above ground floor along a street boundary)</li> <li>• Public parking</li> <li>• Place of entertainment</li> <li>• Restaurant</li> <li>• Hotel</li> <li>• Gymnasium</li> <li>• Funeral parlour</li> <li>• Rooftop base station</li> </ul>	<ul style="list-style-type: none"> <li>• Warehouse</li> <li>• Place of worship</li> <li>• Guest accommodation</li> <li>• Residential building</li> <li>• Service trade</li> <li>• Bottle store</li> <li>• Supermarket</li> <li>• Gambling machine</li> <li>• Pornographic entertainment business</li> <li>• Place of instruction</li> <li>• Place of assembly</li> <li>• Transmission tower</li> </ul>

Where a property in this zone has two street boundaries, flats may be provided on the ground floor facing onto one of the street boundaries and the Municipality will decide which of the two street boundaries may accommodate flats.

Where premises for the rendering of personal services such as a beauty salon, are included in a hotel development, the floor area used for such purposes shall not exceed 10% of the total floor area of the hotel.

**Development rules - The following development rules apply to buildings in this zone:**

Floor Factor	Coverage	Height	Street building line	Lateral and Rear building lines
2.0	100%	16m from highest point of the natural ground level immediately adjacent to the building, provided that where the building is situated on a slope it may at no point exceed 20m when measured from the natural ground level immediately adjacent to that point.	0m	0m, provided that no doors, windows, ventilations or other openings are inserted. Where a lateral or rear boundary of a property in this zone abuts a residential zone, the building line shall be 3m from the lateral or rear boundary adjacent to the residential zone.



The Municipality may waive the requirement of a 3,0m lateral building line where a business property abuts a residential property, in circumstances where such a residential property is situated within an area clearly earmarked for future business use in an approved spatial development framework.

### **Canopy or balcony projection**

1. The Municipality may require, and may permit, a canopy or balcony projection over the street boundary in accordance with the following conditions:
  - (a) the canopy shall not project nearer than 500mm to a vertical plane through the kerb line or proposed kerb line;
  - (b) no portion of a canopy projection shall be less than 3,0m above the pavement.
2. The Municipality may lay down more restrictive requirements relating to the dimensions, design and materials of the canopy or balcony.

### **Building projection over the street boundary**

Notwithstanding the street building line, the Municipality may permit a projection of the building over the street boundary subject to the following conditions:

- (a) the projection may not exceed the width of the pavement within the road reserve or 3,0m, whichever is the lesser distance;
- (b) the ground floor level of the projection shall be used exclusively as a public pedestrian way, with or without a colonnade;
- (c) the projection shall provide at least 2,8m clearance above the level of the pavement;
- (d) the floor space of the additional storey that may be erected over the ground floor level of the projection, shall not be included in the calculation of maximum floor space, and
- (e) the owner must enter into an encroachment agreement with the Municipality.

### **Street corners**

The Municipality may require that the owner of a building, to be situated at a public street corner that the Municipality considers to be significant, shall incorporate in the building architectural features which focus visual interest on the corner, and which emphasize the importance of pedestrian movement around the corner. Such features may include building cut-offs, walk through covered arcades, plazas or other elements.

### **Façades**

The Municipality may stipulate requirements regarding the façades of buildings in this zone at ground floor level, with a view ensuring adequate visual and physical permeability, which is in its opinion required to create a vibrant streetscape.

### **Screening**

The Municipality may require:

- (a) That any part of the land unit which is used for the storage or loading of goods, be enclosed with a suitable brick wall, concrete wall or landscape screening.
- (b) Any external utility service or equipment which is required for a building, whether on the roof, side of the building or ground, shall be appropriately screened from view, and such enclosure of screening shall be integrated with the building in terms of materials, colour, shape and size and shall be to the Municipality's satisfaction.

### **Site development plan**

The Municipality may require a site development plan to be submitted to its satisfaction, provided that:



- (a) The Municipality shall not unreasonably refuse a site development plan that is consistent with the development rules of this zone, or conditions of a rezoning approval.
- (b) The Municipality may require amendments to the site development plan to address reasonable concerns relating to access, parking, architectural form, urban design, landscaping, engineering services or similar concerns.

**Place of assembly, place of instruction, place of worship**

The development rules, including access and parking requirements for the above uses that apply in the Civic and Social Zone, apply in this zone.

**Visual impact assessment**

When considering an application for any proposed development in this zone, the Municipality may require a visual impact assessment of the proposed development to be submitted to its satisfaction.

**INDUSTRY ZONE**

In terms of the Cape Agulhas Integrated Zoning Scheme INDUSTRY ZONE is described as follow:

**Purpose of the zone**

The purpose of this zone is to provide for all forms of industry, except noxious industry. Additional uses are allowed to support such industry, as well as uses that could reasonably be accommodated in such a zone, because they take place outside of normal business hours.

**Land use within zone - The following uses are allowed in this zone:**

<b>Primary uses</b>	<b>Consent uses</b>
<ul style="list-style-type: none"> <li>• Industry</li> <li>• Light industry</li> <li>• Service trade</li> <li>• Warehouse</li> <li>• Public parking</li> <li>• Motor repair garage</li> <li>• Rooftop base station</li> <li>• Transmission tower</li> </ul>	<ul style="list-style-type: none"> <li>• Place of worship</li> <li>• Place of assembly</li> <li>• Place of instruction</li> <li>• Dwelling unit incidental to industry</li> <li>• Funeral parlour</li> <li>• Transport Usage</li> <li>• Restaurant</li> <li>• Spray painting and motor vehicle body repair shop</li> <li>• Place of entertainment</li> <li>• Shop</li> <li>• Scrap yard and salvage building</li> <li>• Aquaculture</li> </ul>

The land uses of industry and service trade may include the selling of goods that have been completely or partially manufactured on the property, and such other goods as the Municipality may permit, provided that:

- (a) The total floor space devoted to the sale of goods shall not exceed 10% of the total floor space of all the buildings on the land unit.
- (b) Such other goods that are offered for sale but that are not manufactured on the property, are connected with the goods that are manufactured or partially completed on the property.

**Development rules - The following development rules apply to buildings in this zone:**

<b>Floor factor</b>	<b>Coverage</b>	<b>Street building line</b>	<b>Lateral and rear building lines</b>
2.0	75%	3,0m	See below

The Municipality may determine a height restriction for particular land units in this zone.

**Lateral building lines**

1. Where an external wall is constructed of a material which has one hour fire resistance, where there are no openings in such external walls, and the land unit abuts another service business or industry zone, a 0m lateral building line is permitted, provided there is at least a 1,0m lateral building line on the other lateral boundary of the same property.
2. Where the land unit abuts a zone that is not a commercial or industry zone, or no fire wall as contemplated above is provided, a 3,0m lateral building line shall apply.

**Rear building line**

No building shall be erected closer than 3,0m to the rear boundary.

**Boundary walls**

Where a land unit has a common boundary with another land unit that is not zoned for industrial purposes, the Municipality may require a wall that is at least 1,8m high to be erected along the boundary to its satisfaction.

**Screening**

The Municipality may require any part of the land unit that is used for storage or the loading of goods to be enclosed with a brick or concrete screen wall to the Municipality's satisfaction.

**Accommodation incidental to industry and warehouses**

The Municipality may consider granting its consent for on-site accommodation of employees of an industry or warehouse, provided that not more than one dwelling unit with a maximum floor area of 70m<sup>2</sup> shall be provided, and that Municipality is satisfied that provisions regarding outdoor space, building lines and service yards are adequately addressed. In particular the Municipality should ensure that such units do not have, in its opinion, a significant negative impact on surrounding uses.

**Place of assembly, place of worship, place of instruction**

The development rules, including access and parking requirements for the above uses, that apply in the Civic and Social Zone apply in this zone.

**Environmental management plan**

No activity that includes storage of on-site hazardous substances shall be permitted unless a risk management and prevention plan has been approved by the Municipality.

**Site development plan**

The Municipality may require a site development plan to be submitted to its satisfaction, provided that:

- (a) the Municipality shall not unreasonably refuse a site development plan that is consistent with the development rules of this zone, or conditions of a rezoning approval, and
- (b) the Municipality may require amendments to the site development plan to address reasonable concerns relating to access, parking, architectural form, urban design, engineering services or similar concerns.

**MARKET VALUE**

Messrs PENDO Property Valuers provided the following valuations on 26 September 2019:

**VALUATION CERTIFICATE**

I, the undersigned, Johan Klopper, Professional Valuer registered in terms of the Property Valuer's Profession Act, 2000 (Act No 47 of 2000) do hereby certify that I have inspected and valued the below mentioned immovable properties. I consider the fair and reasonable market value of the below mentioned properties, as at 19 September 2019, to be as follows:

Description	Size	Market value	Registered owner
Erf 1599 Bredasdorp	2933 m <sup>2</sup>	R 1 310 000	One Million Three Hundred and Ten Thousand Rand
Erf 3626 Bredasdorp	1375 m <sup>2</sup>	R 300 000	Three Hundred Thousand Rand
Erf 3627 Bredasdorp	1540 m <sup>2</sup>	R 390 000	Three Hundred and Ninety Thousand Rand
Erf 3628 Bredasdorp	1540 m <sup>2</sup>	R 390 000	Three Hundred and Ninety Thousand Rand
Erf 3629 Bredasdorp	2555 m <sup>2</sup>	R 650 000	Six Hundred and Fifty Thousand Rand
Erf 5221 Bredasdorp	1091 m <sup>2</sup>	R 190 000	One Hundred and Ninety Thousand Rand
Erf 5542 Bredasdorp	1226 m <sup>2</sup>	R 210 000	Two Hundred and Ten Thousand Rand
Erf 5543 Bredasdorp	1243 m <sup>2</sup>	R 220 000	Two Hundred and Twenty Thousand Rand
Erf 6234 Bredasdorp	1731 m <sup>2</sup>	R 420 000	Four Hundred and Twenty Thousand Rand
Erf 6235 Bredasdorp	1364 m <sup>2</sup>	R 360 000	Three Hundred and Sixty Thousand Rand
Erf 6236 Bredasdorp	1379 m <sup>2</sup>	R 370 000	Three Hundred and Seventy Thousand Rand
Erf 6237 Bredasdorp	1379 m <sup>2</sup>	R 170 000	One Hundred and Seventy Thousand Rand
Erf 6238 Bredasdorp	1379 m <sup>2</sup>	R 360 000	Three Hundred and Sixty Thousand Rand
Erf 6239 Bredasdorp	1379 m <sup>2</sup>	R 410 000	Four Hundred and Ten Thousand Rand
Erf 6240 Bredasdorp	1379 m <sup>2</sup>	R 420 000	Four Hundred and Twenty Thousand Rand
Erf 6241 Bredasdorp	1379 m <sup>2</sup>	R 430 000	Four Hundred and Thirty Thousand Rand
Erf 6242 Bredasdorp	1379 m <sup>2</sup>	R 450 000	Four Hundred and Fifty Thousand Rand
Erf 6243 Bredasdorp	1717 m <sup>2</sup>	R 600 000	Six Hundred Thousand Rand
Erf 6244 Bredasdorp	1730 m <sup>2</sup>	R 610 000	Six Hundred and Ten Thousand Rand
Erf 6245 Bredasdorp	1730 m <sup>2</sup>	R 610 000	Six Hundred and Ten Thousand Rand
Erf 6246 Bredasdorp	1730 m <sup>2</sup>	R 610 000	Six Hundred and Ten Thousand Rand
Erf 6247 Bredasdorp	1224 m <sup>2</sup>	R 390 000	Three Hundred and Ninety Thousand Rand
Erf 6250 Bredasdorp	3869 m <sup>2</sup>	R 880 000	Eight Hundred and Eighty Thousand Rand
Erf 6448 Bredasdorp	2256 m <sup>2</sup>	R 390 000	Three Hundred and Ninety Thousand Rand
Erf 6691 Bredasdorp	2105 m <sup>2</sup>	R 330 000	Three Hundred and Thirty Thousand Rand

Signed at Stellenbosch this 25<sup>th</sup> day of September 2019.



**J. Klopper**  
Professional Valuer  
Registration Number: 6372/0

**FINANCIAL IMPLICATIONS**

Land disposal of the sites will have an income for Council.

**LEGAL IMPLICATIONS**

These assets of Council are not required for the provision of the minimum level of basic services. However, the following legal requirements and community participation processes will have to be followed:

Council policy	Alienation of land
MFMA	<ol style="list-style-type: none"> <li>1.Sect 14(2)(a): asset not required for minimum level of basic services.</li> <li>2.Sect 14(2)(b): consider fair market value and economic and community value to be received in exchange for the asset.</li> <li>3.Items in 1 and 2 only to be complied with if the asset to be transferred is a high value asset (see definition of MATR below).</li> <li>4.Sect 33: Contracts having long term financial implications.</li> </ol>

MATR	<p>2. Definition of "high value asset": "fair market value of the capital asset exceeds any of the following amounts: a) R50 million; b) One percent of the total value of the capital assets of the municipality.... c) An amount determined by resolution of the council of the municipality ..... which is less than (a) or (b). 2. Definition of "realisable value": fair market value less estimated costs of completion. 3. Definition of "right to use, control or manage": when granting such rights do not amount to permanent transfer or disposal. 4. Regulation 5 (decision-making). 5. Regulation 6 (public participation)</p>
SCM Regulations SCM Policy	Regulation 40: (Disposal Management) Project for job creation, skills development, poverty alleviation and economic growth
Systems Act (public participation)	<p>Section 21A: (1) All documents that must be made public by a municipality in terms of a requirement of this Act, the Municipal finance Management Act or other applicable legislation, must be conveyed to the local community: (a) by displaying the documents at the municipality's head and satellite offices and libraries; (b) by displaying the documents on the municipality's official website, if the municipality has a website as envisaged by section 21 B; and (c) by notifying the local community, in accordance with section 21, of the place, including website address, where detailed particulars concerning the documents can be obtained.</p>

**MANAGEMENT RECOMMENDATION**

- (i) That Council, in principle, approves the sale of the following erven by Public Auction with the minimum market value:

ERF NR	AREA (m <sup>2</sup> )	ZONING	MARKET VALUE
6237	1379	To be registered, Industry zoned and serviced.	R170 000
6236	1379		R370 000
6235	1418		R360 000
6243	1719		R600 000
6234	1089		R420 000
6238	1379		R360 000
6239	1379		R410 000
6241	1379		R430 000
6240	1379		R420 000
6242	1379		R450 000
6244	1724		R610 000
6245	1731		R610 000
6246	1732		R610 000
6247	1216		R390 000
3629	2555	Business	R650 000
3628	1540	Business	R390 000
1599	2933	Business	R1 310 000
3627	1540	Business	R390 000
3626	1375	Business	R300 000
6250	3869	To be Business zoned	R880 000
6448	2256		R390 000
6691	2105		R330 000
5221	1091	Business	R190 000
5542	1226	Business	R210 000
5543	1243	Business	R220 000

- (ii) That Council take note that erf 1599, Bredasdorp will not be sold, because the Welverdiend Library and Ou Meule Street Container Hub is situated here.
- (iii) That the above-mentioned erven in terms of section 14(2)(a) of the Local Government: Municipal Finance Management Act be not required for the provision of the minimum level of basic services.
- (iv) That all legal requirements are met for disposal of land.

#### **RESOLUTION 153/2019**

- (i) That the management recommendation not be accepted as a resolution of Council.
- (ii) That a workshop be held with all Councillors.

### 11.7 **KANSELLASIE VAN VERVREEMDING: GEDEELTE ERF 513, NAPIER (BAO)**

#### **DOEL VAN VERSLAG**

Om die Raad in te lig dat die voornemende koper van gedeelte erf 513, Napier die koop van genoemde eiendom kanselleer (sien aangehegte verkoopakte op **bladsy 17 tot 20**).

#### **AGTERGROND**

Gedeelte erf 513, Napier is deur die Raad goedgekeur om vervreem te word aan 'n suksesvolle tenderaar. LBF Prokureurs het die Raad in kennis gestel dat die koop gekanselleer kan word, aangesien die kerk in twee gedeeltes is (sien skrywes aangeheg op **bladsy 21 en 22**).

Die genoemde erf is Napier meentgrond en gekoopte gedeelte is nog nie afgesny of getranspoteer nie. Die Raad word versoek om die koopprys (R10 000,00) aan Nephizbah Assembly, Napier terug te betaal.

#### **FINANSIËLE IMPLIKASIE**

R10 000,00 (sien aangehegte kwitansies op **bladsy 23 tot 25**)

#### **BESTUURSAANBEVELING**

- (i) Dat die Raad kennis neem dat die voornemende kooptransaksie gekanselleer is.
- (ii) Dat die vorige Raadsbesluit herroep word en die koopkontrak gekanselleer word.
- (iii) Dat die bedrag van R10 000,00 aan Nephizbah Assembly, Napier terug betaal word.

#### **AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE**

- (i) Dat die Bestuursaanbeveling aanvaar word.
- (ii) Dat die genoemde erf per tender/publieke veiling verkoop word.

#### **BESLUIT 154/2019**

Dat die Finansies- en IT Dienste Komitee se aanbeveling as 'n besluit van die Raad aanvaar word.

### 11.8 **VOORSTELLE VIR DIE BENOEMING VAN STRAATNAME EN WOONBUURTNAAM VIR AREA H TE BREDASDORP (15/5/R - BSSB) (WYK 2)**

#### **DOEL VAN VERSLAG**

Die benoeming van die nuwe woonarea en straatname in Bredasdorp (Area H - Fases 1 en 2).

**AGTERGROND**

Op 19 September 2017 neem die Uitvoerende Burgemeesterskomitee die volgende besluit:

*“Dat ‘n dringende vergadering met inwoners van die area gehou word om straatname te identifiseer en daarna na die Raad verwys vir oorweging.”*

**Op 20 September 2019 word die volgende elektroniese pos ontvang van Mnre Mellon:**

*“Yesterday the committee had a meeting and decide on the following:*

Name of the Area:       *Parkview*  
 Street names:           *Roosstraat*  
                                   *Angelierstraat*  
                                   *Daisystraat*  
                                   *Bruniastraat*  
                                   *Petuniastraat”*

‘n Totaal van 7 strate moet benoem word in Fases 1 en 2 van Area H.

**Aangesien Roosstraat alreeds bestaan in Bredasdorp, is die volgende strate ook benoem vir oorweging:**

1. Malvastraat
2. Tulipstraat
3. Papawerstraat
4. Violetstraat



**BESTUURSAANBEVELING**

- (i) Dat die Raad die volgende 7 straatname goedkeur:
- Angelierstraat
  - Daisystraat
  - Bruniastraat
  - Petuniastraat
  - Malvastraat
  - Violetstraat
  - Papawerstraat
- (ii) Dat die Raad die volgende woonbuurtnaam goedkeur: Parkview
- (iii) Dat die wykskomitee dienooreenkomstig ingelig word.
- (iv) Dat die algemene planne en GIS stelsel opgegradeer word.
- (v) Dat die kontrakteurs voortgaan met die oprigting van die straatnaamborde.

**BESLUIT 155/2019**

Dat die bestuursaanbeveling as 'n besluit van die Raad aanvaar word.

11.9 **AANSOEK OM VERVREEMDING (KOOP) VAN GEDEELTE ERF 955, STRUISBAAI (COLLAB: 269071) (WYK 5)**

**DOEL VAN VERSLAG**

Om oorweging te skenk aan die versoek van mnr en me Przybylski ten einde 'n gedeelte (24m<sup>2</sup>) van erf 955, Struisbaai te koop (liggingsplan aangeheg op **bladsy 26**).

**ALGEMENE INLIGTING**

Eienaars	:	KAM
Eiendom	:	Gedeelte erf 955, Struisbaai
Ligging	:	Marine Drive
Huidige sonering	:	Straat
Erf Grootte	:	685.2480ha
Voorgestelde Grootte	:	24m <sup>2</sup>

**AGTERGROND**

'n Skriftelike versoek, soos aangeheg op **bladsy 27 tot 34** is van mnr en me Przybylski ontvang om 'n gedeelte (24m<sup>2</sup>) van erf 955, Struisbaai by die Raad te koop.

**MARKWAARDASIE**

R4 015,00 (standaard oorskrydingsfooi)

**FINANSIËLE IMPLIKASIES**

Vervreemdingsinkomste vir KAM.

**WETLIKE IMPLIKASIES**

Council policy	Alienation of land
MFMA	<ol style="list-style-type: none"> <li>1. <b>Sect 14(2)(a)</b>: asset not required for minimum level of basic services.</li> <li>2. <b>Sect 14(2)(b)</b>: consider fair market value and economic and community value to be received in exchange for the asset.</li> <li>3. Items in 1 and 2 only to be complied with if the asset to be transferred is a high value asset (see definition of MATR below).</li> <li>4. <b>Sect 33</b>: Contracts having long term financial implications.</li> </ol>

<b>MATR</b>	<ol style="list-style-type: none"> <li>1. <b>Definition of "high value asset":</b> "fair market value of the capital asset exceeds any of the following amounts: <ol style="list-style-type: none"> <li>a) R50 million;</li> <li>b) One percent of the total value of the capital assets of the municipality....</li> <li>c) An amount determined by resolution of the council of the municipality..... which is less than (a) or (b).</li> </ol> </li> <li>2. <b>Definition of "realisable value":</b> fair market value less estimated costs of completion.</li> <li>3. <b>Definition of "right to use, control or manage":</b> when granting such rights do not amount to permanent transfer or disposal.</li> <li>4. <b>Regulation 5</b> (decision-making).</li> <li>5. <b>Regulation 6</b> (public participation)</li> </ol>
<b>SCM Regulations SCM Policy</b>	<b>Regulation 40: (Disposal Management)</b> Project for job creation, skills development, poverty alleviation and economic growth
<b>Systems Act</b> (public participation)	<p><b>Section 21A:</b> (1) All documents that must be made public by a municipality in terms of a requirement of this Act, the Municipal finance Management Act or other applicable legislation, must be conveyed to the local community:</p> <ol style="list-style-type: none"> <li>(a) by displaying the documents at the municipality's head and satellite offices and libraries;</li> <li>(b) by displaying the documents on the municipality's official website, if the municipality has a website as envisaged by section 21 B; and</li> <li>(c) by notifying the local community, in accordance with section 21, of the place, including website address, where detailed particulars concerning the documents can be obtained.</li> </ol>
<b>Town Planning legislation</b>	No application is required.

## DEPARTEMENTELE KOMMENTAAR

### **MUNISIPALE BESTUURDER**

I do not agree with the sale of this small piece of road reserve just because the wall is encroaching on it. The encroachment is minimal and it would not necessarily impede service delivery at that point. I would propose that you advise the applicant to apply for encroachment of the street erfline and let them pay the annual encroachment fees applicable.

### **DIREKTEUR: FINANSIËLE DIENSTE**

Kennis word geneem.

### **AFDELINGSHOOF: STRATEGIESE, BEPLANNING EN ADMINISTRATIEWE DIENSTE**

No objection.

### **ELEK**

No effect on infrastructure.

### **SENIOR SPESIALIS STADSBEPLANNER**

Geen beswaar. Distrikspadingenieur se toestemming moet verkry word.

### **SENIOR BOUBEHEERBEAMPTE**

Geen beswaar. Alle wetlike prosedures moet nagekom word.

### **BESTUURDER: ADMINISTRATIEWE DIENSTE**

Aansoek word ondersteun.

### **BESTUURDER: WATER EN RIOOL**

Die posisie van die waterlyn moet fisies op terrein bepaal word alvorens goedkeuring verleen kan word.

### **BESTUURDER: VERKEER EN WETSTOEPASSING**

Input from District is also needed before approval.



**BESTUURSAANBEVELING**

Dat 'n oorskrydingsooreenkoms met die eienaar van erf 1236, Struibaai aangegaan word vir 'n termyn van 9 jaar en 11 maande teen R4 015,00 per jaar.

**BESLUIT 156/2019**

- (i) Dat die bestuursaanbeveling as 'n besluit van die Raad aanvaar word.
- (ii) Dat die jaarlikse oorskrydingsfooie aangepas word, soos bepaal in die begrotingstariewe.

11.10 **HERROEP VAN RAADSBESLUIT: VERVREEMDING (KOOP) VAN OOPRUIMTE DIREK LANGS ERF 528, WAENHUISKRANS (COLLAB: 151335)**

**DOEL VAN VERSLAG**

Dat oorweging geskenk word aan die versoek van mnr H J Siljeur ten einde die ongebruikte area langs erf 528, Waenhuiskrans te koop.

**ALGEMENE INLIGTING**

Eienaars	:	KAM
Ligging	:	Gedeelte Erf 403, Waenhuiskrans
Huidige sonering	:	Oopruimte
Voorgestelde grootte	:	110m <sup>2</sup>

**AGTERGROND**

'n Skriftelike versoek is van mnr Siljeur (vader van die koper) ontvang om die ongebruikte area langs erf 528, Waenhuiskrans by die Raad te koop.

**MARKWAARDASIE**

R22 000,00 (gebaseer op die markwaardasie vir 15m x 5m)  
R 200,00 x 110m<sup>2</sup>

**FINANSIële IMPLIKASIES**

Vervreemdingsinkomste vir KAM.

**WETLIKE IMPLIKASIES**

Council policy	Alienation of land
MFMA	<ol style="list-style-type: none"> <li><b>Sect 14(2)(a)</b>: asset not required for minimum level of basic services.</li> <li><b>Sect 14(2)(b)</b>: consider fair market value and economic and community value to be received in exchange for the asset.</li> <li>Items in 1 and 2 only to be complied with if the asset to be transferred is a high value asset (see definition of MATR below).</li> <li><b>Sect 33</b>: Contracts having long term financial implications.</li> </ol>
MATR	<ol style="list-style-type: none"> <li><b>Definition of "high value asset"</b>: "fair market value of the capital asset exceeds any of the following amounts:               <ol style="list-style-type: none"> <li>R50 million;</li> <li>One percent of the total value of the capital assets of the municipality....</li> <li>An amount determined by resolution of the council of the municipality ..... which is less than (a) or (b).</li> </ol> </li> <li><b>Definition of "realisable value"</b>: fair market value less estimated costs of completion.</li> <li><b>Definition of "right to use, control or manage"</b>: when granting such rights do not amount to permanent transfer or disposal.</li> <li><b>Regulation 5</b> (decision-making).</li> <li><b>Regulation 6</b> (public participation)</li> </ol>

<b>SCM Regulations SCM Policy</b>	<b>Regulation 40: (Disposal Management)</b> Project for job creation, skills development, poverty alleviation and economic growth
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**DEPARTEMENTELE KOMMENTAAR****MUNISIPALE BESTUURDER**

Follow due procedures.

**DIREKTEUR: GEMEENSKAPSDIENSTE**

No objections.

**BESTUURDER: ELEKTRIESE MEGANIESE DIENSTE**

Eskom verspreidings gebied.

**SENIOR SPESIALIS STADSBEPLANNER**

W528

**BESTUURDER: WATER EN RIOOL**

Daar is geen water- en riooldienste in die steeg nie.

**BESTUURDER: ADMINISTRATIEWE DIENSTE**

Aansoek kan ondersteun word, en die verkoop kan belastinginkomste vir die Raad verseker.

Aansoek kan ondersteun word, indien die vervreemding deur die korrekte publieke deelnameprosesse gaan.

**KOMMENTAAR: RAADSLID EUROPA**

Ek het nie 'n probleem, indien die bure en Eagle Ministries kerk nie 'n probleem het met die verkoop van grond nie.

**BESLUIT: LD 32/2017**

- (i) Dat die aansoek aanbeveel word, onderhewig dat die erf gekonsilideer word met die koper se bestaande erf, vir die koste van die koper.
- (ii) Dat die onderverdeling en hersonering van die gedeelte erf vir die koper se koste sal wees.

**Op 1 Desember 2017 neem die UBK die volgende besluit (Besluit BK222/2017):**

*"Aangesien die eiendom nie ingevolge Art 14(2)(a) van die Plaaslike Regering: Munisipale Finansiële Bestuurswet vir die lewering van die minimum vlak van basiese dienste benodig word nie, in-beginsel-goedkeuring verleen word vir die verkoop van gedeelte Erf 403, Waenhuiskrans ongeveer 110m<sup>2</sup> in grootte.*

- (i) *Dat die Raad 'n Landmeter aanwys wat genoemde gedeelte sal registreer en konsolideer met die koper se bestaande erf, vir die koste van die koper.*
- (ii) *Dat die markwaarde soos bepaal, as koopprys van toepassing sal wees.*
- (iii) *Dat alle wetlike prosesse gevolg sal word, soos onder andere die voorneme van vervreemding aan die publiek bekend gemaak moet word."*

**BESTUURSAANBEVELING**

Dat die Raad die UBK besluit van 1 Desember 2017 vir die verkoop van 'n gedeelte van erf 403, Waenhuiskrans aan mnr Siljeur, oorweeg.

Op 27 Maart 2018 neem die Raad die volgende besluit:

**BESLUIT 19/2018**

- (i) Dat UBK besluit BK222/2017 as besluit van die Raad aanvaar word.
- (ii) Dat die markwaarde op R22 000,00 (BTW uitg.) bepaal word.

**BESTUURSAANBEVELING**

- (i) Dat UBK besluit BK222/2017 geneem op 27 Maart 2018 herroep word.
- (ii) Dat in-beginsel-goedkeuring verleen word vir die verkoop van gedeelte Erf 403, Waenhuiskrans ongeveer 110m<sup>2</sup> in grootte aan die eienaar me Olivia Nadia Siljeur.
- (iii) Dat die Raad 'n Landmeter aanwys wat genoemde gedeelte sal registreer en konsolideer met die koper se bestaande erf, vir die koste van die koper.
- (iv) Dat die markwaarde soos bepaal, as koopprys van toepassing sal wees.
- (v) Dat alle wetlike prosesse gevolg sal word, soos onder andere die voorneme van vervreemding aan die publiek bekend gemaak moet word.

**BESLUIT 157/2019**

- (i) Dat die bestuursaanbeveling nie as 'n besluit van die Raad aanvaar word nie.
- (ii) Dat die aangeleentheid terug verwys word totdat 'n skrywe vanaf die aanliggende grondeienaar (me O N Siljeur) self ontvang is vir die aankoop van die gedeelte van erf 403, Waenhuiskrans.

11.11 **PROGRESS REPORT: VARIOUS STRUISBAAI DEVELOPMENT PROJECTS (15/5/R - MTRP) (WARD 5)**

**PURPOSE OF REPORT**

For Council to take a decision on the progress made on the three projects in Struisbaai.

**BACKGROUND**

Messrs Kruger and Blignaut gave the following progress report on 19 September 2019 regarding various developments in Struisbaai:

**Clearlake Capital (Pty) Ltd (Portion erf 1256 Struisbaai)**

On 25 September 2018 Council took the following decision (154/2018):

- (i) That Council, in principle, approves the development.
- (ii) That the applicant be informed that a formal Town Planning application be submitted to Council for consideration and public notice.
- (iii) That an environmental assessment be for the applicant's account.
- (iv) That Portion of erf 1256, Struisbaai in terms of section 14(2)(a) of the Local Government: Municipal Finance Management Act is not required for the provision of the minimum level of basic services.
- (v) That Council grants in-principle approval for the transfer of portion of erf 1256, Struisbaai by development proposal to Clearlake Capital (OUT OF HAND SALE - for specific purpose) in terms of Section 11 (a) and (d) of Asset Transfer Regulations of the Local Government: Municipal Finance Management Act:

**Conditional approval of transfer or disposal of non-exempted capital assets**

11. An approval in principle in terms of regulation 5(1)(b)(ii) or 8(1)(b)(ii) that a non-exempted capital asset may be transferred or disposed of, may be given subject to any conditions, including conditions specifying<sup>12</sup> –

- (a) the way in which the capital asset is to be sold or disposed of;
  - (b) a floor price or minimum compensation for the capital asset;
  - (c) whether the capital asset may be transferred or disposed of for less than its fair market value, in which case the municipal council must first consider the criteria set out in regulation 13(2); and
  - (d) a framework within which direct negotiations for the transfer or disposal of the capital asset must be conducted with another person, if transfer or disposal is subject to direct negotiations.
- (vi) That Council determine a reserve price of R14 817 000,00 (excluding VAT) for the 12.299ha in extent.
  - (vii) That all legal requirements are met for disposal of land.
  - (viii) That a by-annual report be submitted to Council on the progress of the development.

The terms and conditions of the sale agreement has been agreed upon with the purchaser. The agreement must now be advertised for public comment, where after the comments must be considered by council and be inserted in the agreement, where required. The agreement can then formally be signed.

**Kusasa Commodities Property Investment & and Development (Pty) Ltd (Erf 1257 Struisbaai)**

On 30 October 2018 Council took the following decision (154/2018):

- (i) That Council, in principle approves the development.
- (ii) That the applicant be informed that a formal Town Planning application be submitted to Council for consideration and public notice.
- (iii) That an environmental assessment be for the applicant's account.
- (iv) That erf 1257, Struisbaai in terms of section 14(2)(a) of the Local Government: Municipal Finance Management Act is not required for the provision of the minimum level of basic services.
- (v) That Council grants in-principle approval for the transfer of erf 1257, Struisbaai by development proposal to Kusasa (OUT OF HAND SALE - for specific purpose) in terms of Section 11 (a) and (d) of Asset Transfer Regulations of the Local Government: Municipal Finance Management Act:

**Conditional approval of transfer or disposal of non-exempted capital assets**

**11.** An approval in principle in terms of regulation 5(1)(b)(ii) or 8(1)(b)(ii) that a non-exempted capital asset may be transferred or disposed of, may be given subject to any conditions, including conditions specifying<sup>12</sup> –

- (a) the way in which the capital asset is to be sold or disposed of;
  - (b) a floor price or minimum compensation for the capital asset;
  - (c) whether the capital asset may be transferred or disposed of for less than its fair market value, in which case the municipal council must first consider the criteria set out in regulation 13(2); and
  - (d) a framework within which direct negotiations for the transfer or disposal of the capital asset must be conducted with another person, if transfer or disposal is subject to direct negotiations.
- (vi) That Council determine a reserve price of R25 700 000,00 (excluding VAT) for the 25.7ha in extent.
  - (vii) That all legal requirements are met for disposal of land.
  - (viii) That the installation of municipal services on the mentioned erf be for the cost of the developer.
  - (ix) That a progress report be submitted to Council every six months.

Application was made to purchase the property into the name of Kusasa Commodities 389 (Pty) Ltd, which company was deregistered at the time of application. This was conveyed to Mr Brinkhuis, the contact person through whom the company applied to purchase the property. Mr Brinkhuis subsequently advised on the 8<sup>th</sup> of March 2019, that the purchase must proceed through another company (see above), still with Mr Brinkhuis as Director.

After various consultations with Officials of the Municipality, the draft deed of sale was provided to Mr Brinkhuis on the 5<sup>th</sup> of July 2019 for comments. Mr Brinkhuis apparently had various meetings with investors before he could commit to the transaction. On or about the 15<sup>th</sup> of August 2019, the Municipal Manager instructed us to advise Mr Brinkhuis that he had thirty days to consider the draft contract, which he failed to do.

LTN Properties (Pty) Ltd (A consolidation of portion of erf 852 with a portion of erf 857 Struisbaai)

**On 25 September 2018 Council took the following decision (125/2018):**

- (i) That Council consider the reviewed valuations from Messrs DDP and BOLAND Valuers and the third valuation from J J Neethling Professional Property Valuers.
- (ii) That the applicant be informed that a formal Town Planning application be submitted to Council for consideration and public notice.
- (iii) That an environmental assessment be for the applicant's account.
- (iv) That a portion of Erf 857, Struisbaai in terms of section 14(2)(a) of the Local Government: Municipal Finance Management Act is not required for the provision of the minimum level of basic services.
- (v) That Council grants in-principle approval for the transfer of a portion of Erf 857, Struisbaai, by development proposal to LTN Bedrywe Pty Ltd (OUT OF HAND SALE - for specific purpose) in terms of Section 11 (a) and (d) of Asset Transfer Regulations of the Local Government: Municipal Finance Management Act:

**Conditional approval of transfer or disposal of non-exempted capital assets**

11. An approval in principle in terms of regulation 5(1)(b)(ii) or 8(1)(b)(ii) that a non-exempted capital asset may be transferred or disposed of, may be given subject to any conditions, including conditions specifying<sup>12</sup> –

- (a) the way in which the capital asset is to be sold or disposed of;
  - (b) a floor price or minimum compensation for the capital asset;
  - (c) whether the capital asset may be transferred or disposed of for less than its fair market value, in which case the municipal council must first consider the criteria set out in regulation 13(2); and
  - (d) a framework within which direct negotiations for the transfer or disposal of the capital asset must be conducted with another person, if transfer or disposal is subject to direct negotiations.
- (vi) That Council determine a reserve price of R16 715 000,00 (excluding VAT) for 55 866m<sup>2</sup>.
  - (vii) That all legal requirements are met for disposal of land.
  - (viii) That a by-annual report be submitted to Council on the progress of the development.

The terms and conditions of the sale agreement has been agreed upon with the purchaser. The purchaser is however in process to secure his anchor tenants and undertook to advise us if the entire purchase, subject to the number of secured tenants, will proceed by the time that the Council meeting commences. If it does, the agreement will have to be advertised for public comment, where after the comments must be considered by council and be inserted in the agreement, where required. The agreement can then formally be signed.

**MANAGEMENT RECOMMENDATION**

- (i) That Council take note of the Progress Report dated 19 September 2019 received from Messrs Kruger and Blignaut.
- (ii) That Council decision 154/2018 dated 30 October 2018 be rescinded.
- (iii) That Messrs Kusasa Commodities Property Investment & and Development (Pty) Ltd be informed accordingly.

**RESOLUTION 158/2019**

That Council take note of the Progress Report dated 19 September 2019 received from Messrs Kruger and Blignaut.

11.12 **HEROORWEGING VAN RIOOL INFRASTRUKTUURBYDRAES (ITEM 6 VAN 2019/20 TARIWE, BYLAAG A) (DID) (ALLE WYKE)**

**DOEL VAN VERSLAG**

Dat die Raad kennis neem van die riool infrastruktuurbydraes soos in die begroting vervat.

**AGTERGROND**

In terme van die Raad se begroting word 'n bydrae gehê ten opsigte van grootmaatsdienste vir elke nuwe erf geskep asook addisionele wooneenhede op 'n erf. Die doel van die heffing is om opgraderings op grootmaatsdienste te finansier, byvoorbeeld reservoirs, pompstasies, suiweringsaanlegte, stortingsterreine, ensovoorts, aangesien elke addisionele erf of wooneenheid 'n addisionele las plaas op grootmaatsdienste.

**Opsommend is die grootmaatheffings as volg (BTW ingesluit):**

Riolering	R17 770,00
Vullisverwerking	R 2 500,00
Water	R13 080,00
Elektrisiteit	R 5 550,00
Rioolontwikkelingsbydrae (kusdorpe)	<u>R11 450,00</u>
<b>TOTAAL</b>	<b>R50 350,00</b>

'n Navraag is van 'n Napier eienaar ontvang rakende die rioolheffing wat dieselfde is vir areas met geen konvensionele rioolskema en areas met 'n volle rioolnetwerk.

Die Raad wil egter die digtheid van eenhede op erwe in die KAM area aanmoedig en 'n toewyding rakende grootmaatheffings sal dit bevorder. Die grootmaatheffing soos bo gewys is stremmend vir digtheidsontwikkeling. Die heffing sal onveranderd bly vir groot ontwikkelings, onderverdelings van meer as twee erwe, asook met meer as twee wooneenhede per erf.

Waar 'n erf se sonering egter reeds voorsiening maak vir byvoorbeeld groepbehuising, is die grootmaatsdiensheffings nie betaalbaar nie.

**WETLIKE IMPLIKASIES**

Geen.

**FINANSIËLE IMPLIKASIES**

Sou die Raad besluit om die rioolheffing af te skaf, vir die doeleindes van digtheids-ontwikkeling, sal dit 'n finansiële implikasie hê, soos bo genoem per eerste onderverdeling.

**BESTUURSAANBEVELING**

- (i) Dat die heffings vir grootmaatsdiens tydens die onderverdeling van een erf na twee erwe nie van toepassing sal wees nie, maar wel met onderverdelings van meer as twee erwe van toepassing sal wees.
- (ii) Dat die heffings vir grootmaatsdiens tydens die skep van 'n tweede wooneenheid op 'n erf ook nie van toepassing sal wees nie, maar wel van toepassing sal wees as meer as twee eenhede op 'n erf geskep word.

**AANBEVELING: INFRASTRUKTUURDIENSTE KOMITEE**

Dat die Bestuursaanbeveling aanvaar word.

**BESLUIT 159/2019**

Dat die Infrastruktuurdienste Komitee se aanbeveling as 'n besluit van die Raad aanvaar word.

**11.13 REVIEWED AND AMENDED COST CONTAINMENT POLICY****PURPOSE OF REPORT**

To obtain Council's approval in respect of the following reviewed and amended Cost Contain Policy approved during May 2018.

**BACKGROUND**

Although the municipality during its 2017/18 financial year early adopted cost containment measures based on National Treasury's circular guidelines as part of its "Budget and Virement" as well as the "Subsistence and Travelling" policies to be effective 1<sup>st</sup> July 2018, it becomes imperative to review and amend these policies in terms of the newly promulgated "Municipal Cost Containment Regulations" (MCCR) - No. 42514 dated 7 June 2019" with the effective date 1<sup>st</sup> July 2019.

One of the requirements in terms of section 4 of the mentioned regulation is to develop a cost containment policy and / or to review its current policies aligned with the stipulations in the regulation as well as explanatory guidelines for implementation from National Treasury per Budget Circular No. 97 dated 31 July 2019.

Due to the fact that the municipality early adopted the cost containment measures (2018/19) not much has changed except for the implementation guidelines provided by National Treasury for more clarity. Attached on **page 35 to 76** is the newly proposed Cost Containment Policy as well as a copy of the regulations and National Treasury MFMA Circular for council's consideration and approval.

It is further requested from National Treasury as an urgent measure that Municipal Manager's share the MCCR and its own policies with all officials and councillors. This is to be followed by a thorough revision and updating of municipal policies to be consistent with the MCCR and newly proposed Cost Containment policy. Moreover, in-year monitoring and reporting can then be institutionalised. The progress and completion of this process, including tabling of the revised policies are to be finalised by 30 September 2019.

The Municipal Manager in consultation with the Chief Financial Officer recommends as follows:

**MANAGEMENT RECOMMENDATION**

- (i) Council consider approval of the amended Cost Containment Policy with the effective date 1<sup>st</sup> September 2019.
- (ii) Council approves, subject to recommendation 1, that the above mentioned amendments to be updated on the various other financial related policies aligned with the above mentioned policy.
- (iii) Council approves that the newly adopted Cost Containment Policy been workshopped and communicated with all officials / councillors before the end of September 2019.

**RECOMMENDATION: FINANCE- AND IT SERVICES COMMITTEE**

- (i) That management recommendation be accepted.
- (ii) That a workshop be held to discuss the abovementioned policy.

**RESOLUTION 160/2019**

- (i) That the management recommendation be accepted as a resolution of Council.
- (ii) That Council take note of the workshop that was held on 30 September 2019 where the draft policy was discussed.

**11.14 ANTI-CORRUPTION AND FRAUD PREVENTION POLICY, STRATEGY AND PLAN****REPORT BY THE DIVISION HEAD: STRATEGIC PLANNING AND ADMINISTRATION****PURPOSE OF REPORT**

To submit the revised Anti-Corruption and Fraud Prevention Policy, Strategy and Plan to Council for approval. The three documents must be read in conjunction with one another and are attached as follows:



- |  |                  |
|--|------------------|
| 1. Annexure A: Anti-Corruption and Fraud Prevention Policy   | (page 77 - 89)   |
| 2. Annexure B: Anti-Corruption and Fraud Prevention Strategy | (page 90 - 100)  |
| 3. Annexure C: Anti-Corruption and Fraud Prevention Plan     | (page 101 - 123) |
| 4. Summerised changes in Fraud documents                     | (page 124 - 125) |

### **LEGAL FRAMEWORK**

- 1) The Constitution of the Republic of South Africa
- 2) Municipal Finance Management Act (MFMA) (No. 56 2003)
- 3) MFMA Regulation on Financial Misconduct (No. 430 of 2014)
- 4) The Municipal Structures Act (No 17 of 1998)
- 5) Local Government: Municipal Systems Act (No 32 of 2000)
- 6) Prevention and Combating of Corrupt Activities Act (No. 12 of 2004)
- 7) Protected Disclosures Act (PDA) (No. 26 of 2000)

### **PERSONNEL IMPLICATIONS**

Council approved the 2017/2018 Anti-Corruption and Fraud Prevention Policy, Strategy and Plan on the 26th of September 2017 (RESOLUTION 199/2017). The Anti-Corruption and Fraud Prevention Policy, Strategy and Plan was submitted to the LLF on multiple occasions. The abovementioned policies were distributed to all Managers, Directors and the Unions on 28 August 2019 for discussion and input.

On 19 September 2019, the LLF recommended that the Anti-Corruption and Fraud Prevention Policy be referred to the Council for approval.

### **FINANCIAL IMPLICATIONS**

None.

### **DISCUSSION**

Corruption and fraud is a serious concern in South African society. Section 62 (2)(c) of the Local Government: Municipal Systems Act states that the administration of a municipality must take measures to prevent corruption. The Local Government: Municipal Finance Management Act assigns responsibilities for the combatting of corrupt and fraudulent activities to the Accounting Officer while the Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings and the Prevention and Combating of Corrupt Activities Act compels the Accounting Officer to report certain cases of corruption, fraud and theft to the South African Police Service.

In addition to the legal requirements, various frameworks and best practices for preventing, detecting and responding to corrupt and fraudulent incidents have been issued by national and provincial government departments and professional associations, most notably the Local Government Anti-Corruption Strategy and Public Sector Risk Management Framework.

Corruption and fraud risk management is also an integral part of the municipality's risk management processes. In order to give effect to the Acts, frameworks and best practices as well as to the responsibilities of the Accounting Officer, an Anti-Corruption and Fraud Prevention Strategy, Policy and Plan have been developed and approved by the Municipality's FARMCO. The documents must now be approved by Council and implemented.

### **MANAGEMENT RECOMMENDATION**

That the following revised Anti-Corruption and Fraud prevention documents be approved:

- (i) Cape Agulhas Municipality Anti-Corruption and Fraud Prevention Policy (2019/20).
- (ii) Cape Agulhas Municipality Anti-Corruption and Fraud Prevention Strategy (2019/20).
- (iii) Cape Agulhas Municipality Anti-Corruption and Fraud Prevention Plan (2019/20).

### **RESOLUTION 161/2019**

That the management recommendation be accepted as a resolution of Council.

**11.15 APPROVAL OF REVIEWED CAPE AGULHAS YOUTH DEVELOPMENT POLICY****PURPOSE OF REPORT**

To request Council to approve the reviewed Cape Agulhas Youth Development Policy, as attached on *page 126 to 136*.

**BACKGROUND**

The Cape Agulhas Youth Development Policy is subject to annual review. This document replaces the previous Policy. The content of the document constitutes the combined voices of all young men and women in the Cape Agulhas area who attended the youth summit held on 23 and 24 March 2019.

The purpose of the Youth Development Policy is to enable the youth of Cape Agulhas area to define their trajectory in the most succinct manner. The activities outlined in the policy also require the cooperation of all the spheres of government including the NGO and private sector to ensure the realization of the objectives.

**FINANCIAL IMPLICATIONS**

The social budget for the 2019/2020 financial year is needed to give effect to the objectives of the youth policy.

**STAFF IMPLICATION**

The current human capacity assigned to champion youth development at the Cape Agulhas municipality is not sufficient to do justice to the expectations outlined in the youth policy.

**LEGAL FRAMEWORK**

1. The Constitution of the Republic of South Africa, 1996
2. National Youth Commission Act, No 19 of 2006
3. Municipal Financial Management Act

**MANAGEMENT RECOMMENDATION**

That Council adopts the reviewed Youth Development Policy.

**RESOLUTION 162/2019**

That the management recommendation be accepted as a resolution of Council.

**11.16 VERHURING VAN SPORTGERIEWE: TARIWE 2019/2020 (DBD)****DOEL VAN VERSLAG**

Oorweging van tariewe vir sportgeriewe by Napier- en Bredasdorp Sportkompleks vir 2019/2020.

**AGTERGROND**

Tydens die 2019/2020 begroting het die afdeling ongelukkig nagelaat om die tariewe van toepassing vir Napier en Bredasdorp Sportkompleks deel te maak van die Tariewe Begroting. Die volgende tariewe is van toepassing:

	VERHURING VAN SPORT GERIEWE	Parkstraat Zwelitsha Sportgronde	Klipdale	2018/2019	Bredasdorp Sportkomplek	2018/2019	Napier	Struisbaai	W'Krans
<b>2.</b>	<b>SPORTGRONDE &amp; KLUBHUIS (per geleentheid)</b>								
(a)	Opvoedkundige-, Liefdadigheidsfunksies en Kerkbasaars	-	180.00	215.00	235.00	165.00	180.00	-	-
(b)	Danse	-	540.00	750.00	810.00	490.00	530.00	-	-
(c)	Huweliks- en ander onthale en openbare veilings	-	345.00	650.00	705.00	320.00	345.00	-	-
(d)	Sportbeoefening en -vergaderings	120.00	120.00	110.00	120.00	110.00	120.00	-	-
(e)	Kombuis	-	-	345.00	375.00	-	-	-	-
(f)	Vergaderings / Werkswinkels / Seminare	-	180.00	215.00	235.00	165.00	180.00	-	-
(g)	Eetgerei (per stel van 50 of gedeelte)	-	-	165.00	182.00	-	-	-	-
(h)	Snoepie	180.00	180.00	-	-	110.00	180.00	-	-
(i)	Baan deposito	560.00	560.00		560.00		560.00	560.00	560.00
(j)	Breekskade deposito	-	615.00	855.00	924.00	570.00	615.00	-	-
(k)	<b>Affiliasiegelde:</b>								
	Per skool of per volwasse sportklub per jaar	1 860.00	1 860.00		1 860.00		1 860.00	1 860.00	1 860.00
<i>(Tarief 2(d) is nie van toepassing op geaffilieerde sportklubs nie)</i>									

**BESTUURSAANBEVELING**

Dat die tariewe soos aangedui vanaf 1 Julie 2019 ingesluit sal word in die begroting.

**BESLUIT 163/2019**

Dat die bestuursaanbeveling as 'n besluit van die Raad aanvaar word.

## 12. ADDISIONELE ITEMS DEUR DIE RAAD HANTEER

### 12.1 KWYTSKELDING VAN BOUPLANGELDE: AANBOU VAN KAMER VIR SIEK KIND (MERWILLE NEWMAN)

#### DOEL VAN VERSLAG

Om by die Raad aansoek te doen vir kwytskelding van bouplangelde vir 'n "kiemvrye" kamer vir Merwille Newman.

#### AGTERGROND

Die kantoor van die Burgemeester was versoek om behulpsaam te wees in die beskikbaarstelling van 'n donasie aan ouers wie 'n kind het met "trachia" probleme (sien aangehegte dokumentasie op **bladsy** ). Die kind het reeds verskeie operasies ondergaan op 11 maande ouderdom en die geval was na die Golfkomitee verwys.

Melissa Newman, ma van Merwille Newman, 1 jaar oud se aansoek is deur die Burgemeester Golfkomitee hanteer en die besluit was geneem dat die Donasiekomitee die geval verder voer. Die Donasiekomitee het die bedrag van R6 000,00 bewillig vanuit die Bemarkingsbegroting vir die aanbou van 'n "kiemvrye" kamer vir die kind.

Die ouers het geen fondse om 'n bydrae tot die kamer te lewer nie, derhalwe help die Metropolitan Kerk ook om fondse te in vir die aanbou van die kamer.

Mnr Patrick Pietersen was ook genader vir die optrek van 'n bouplan.

#### FINANSIËLE IMPLIKASIES

Die bouplangelde vir hierdie projek sal soos volg wees, naamlik:

1.	Bouplangelde	:	16.15 x R23,00	=	R 371,45
2.	Basies	:		=	R 575,00
3.	Riool	:		=	<u>R 594,00</u>
<b>TOTAAL</b>					<b><u>R1 540,45</u></b>

#### BESTUURSAANBEVELING

Dat goedkeuring van die Raad verkry word vir die kwytskelding van bouplangelde ten bedrae van R1 540,45 vir 'n "kiemvrye" kamer vir Merwille Newman.

#### BESLUIT 164/2019

Dat die bestuursaanbeveling as 'n besluit van die Raad aanvaar word.

## 12.2 WORKLOAD ASSESSMENT PROJECT: TRAFFIC DEPARTMENT AND LIBRARIES

#### PURPOSE OF REPORT

For Council to take note of the completion of the Workload Project Extension that was conducted at Traffic Services and Libraries and to take note of the final report (**electronically distributed**).

#### BACKGROUND

The Cape Agulhas Municipality conducted a sample workload assessment targeting certain departments and positions presenting workload issues, either overworked or underutilised.

This then affected the Job Evaluation process as information on Job Description in some cases, presented itself as not a true reflection of what the position or incumbent should or should not be functioning.

The Departments that showed adverse or problematic outcomes, notwithstanding some good progress in being spot on in other posts, some showed more work should be done by focusing on 100% of the positions not only the sampled positions. Hence the extension approval and request.

The extension was completed by Productivity SA on January 2019, a final extension report was submitted. We are currently applying the recommendation as we are constantly reviewing the content of identified Job Description with the Departments affected.

Ongoing utilisation of both the recommendations from the, initial Workload Assessment Report November 2017 and the Extension Report is taking place, when deciding on recruiting and or content of Job Description when Evaluating Jobs.

### **FINANCIAL IMPLICATIONS**

None.

### **MANAGEMENT RECOMMENDATION**

That Council take note of the attached Final Workload Assessment Extension Report conducted by Productivity-SA FARMCO.

### **RESOLUTION 165/2019**

That the management recommendation be accepted as a resolution of Council.

## 12.3 **UITSTAANDE ERFBELASTING: MORAWIESE KERK, ELIM**

### **DOEL VAN VERSLAG**

Vir die Raad om oorweging te skenk vir goedkeuring aan die voorstel deur die Morawiese Kerk om die uitstaande erfbelasting sedert die vorige waardasierol vanaf Julie 2012 aan te pas op dieselfde beginsel van "Multi Purpose" gebruik asook om die Opsienersraad se versoek te oorweeg onderhewig aan sekere voorwaardes om die uitstaande erfbelasting gelde te voorsien van terugvoer met betrekking tot die Morawiese Kerk van Elim insake hulle uitstaande erfbelasting sowel as die versoek van die Elim Opsienersraad te oorweeg vir goedkeuring.

### **AGTERGROND**

In terme van die Wet op Plaaslike Regering van Munispale Erfbelasting kan die munisipaliteit die kategorie van erfbelasting vasstel en daarvolgens toepas wat wel in die goedgekeurde erfbelasting beleid van die munisipaliteit vervat is. Die wetlike vereiste is nageekom en die Morawiese Kerk se erfbelasting is korrek toegepas met betrekking tot erf 237, Elim en erf 203, Spanjaardskloof waarvolgens die landelike tarief van toepassing is, waar meer as een kategorie van gebruike bestaan het. Die erfbelasting beleid is aangepas en die "Multi Purpose" kategorie is geïmplementeer met effek vanaf 1 Julie 2017 met die nuwe waardasie wat in werking gestel is. Verder kan geen veranderinge / regstellings gedoen word indien 'n waardasierol verval het en die korrekte wetlike prosedure nie gevolg was vir 'n aanvullende waardasie / regstelling van die kategorie van erfbelasting nie.

Tydens die gesprekvoering met die Morawiese Kerk gedurende Januarie 2019 om die aangeleentheid van die uistaande erfbelasting aan te spreek en 'n oplossing te probeer vind is ooreengekom om die erfbelasting met betrekking tot die vorige waardasierol op dieselfde beginsel as die "Multi Purpose" kategorie te bereken wat vanaf 1 Julie 2017 van toepassing geword het.

'n Herberekening van die erfbelasting is gedoen op al die eiendom geregistreer in die naam van die Morawiese Kerk en slegs die genoemde twee erwe in Elim en Spanjaardskloof is geaffekteer op die beginsel van "Multi Purpose" kategorie wat 'n beraamde finansiële impak van R857,567 oorverhaling tot gevolg het, uitgesluit die rentes gehef op die uitstaande balanse.

Alhoewel die Morawiese Kerk te vrede en ooreenstem met die herberekening is 'n verdere versoek gerig om die beginsel terugwerkend te maak vanaf 2006/07 finansiële jaar. Die mening is dat die munisipaliteit reeds die kerk tegemoet kom om die herberekening te doen gebaseer op die vorige waardasie wat afgehandel is en waar die Morawiese Kerk nie korrekte wetlike prosedure gevolg het om die kategorie kwessie aan te spreek, behalwe by wyse van gesprekvoering wat plaasgevind sedert die 2014 boekjaar om die uitstaande erfbelasting te probeer oplos. Dit word verder voorgestel dat die rentes op uitstaande erfbelasting, gehef vir die dieselfde tydperk, op die twee genoemde erwe moontlik ook oorweeg word vir afskrywing gesien in die lig van die aanpassing gedoen vir oorweging deur die Raad as 'n vergunning en / of afskrywing te hanteer.

Die Opsienersraad het die Uitvoerende Burgermeester genader in 'n poging om die aangeleentheid van die uitstaande erfbelasting aan te spreek deur ooreen te kom om die maandelikse erfbelasting van toepassing op al die kategorieë behalwe die landbou gedeelte maandeliks te verffen met effek 1 Julie 2019 tesame met 'n ooreenkoms insake die uitstaande erfbelasting sedert 2012 op versoek dat die maandelikse bydrae vir gratis dienste weer direk oorbetaal sal word aan die Opsienersraad soos in die verlede, aangesien die gemeenskap van Elim ly onder te reëling om die bydraes aan te wend om uitstaande skulde van die Morawiese Kerk te delg op erfbelasting. Verder word ook versoek om die bydrae vir gratis dienste aan te pas in lyn met die nuwe goedgekeurde deernis beleid van die munisipaliteit wat effektief is vanaf 1 Julie 2019, wat 'n addisionele uitgawe van nagenoeg R47,000 tot gevolg sal hê.

Indien die Raad in-beginsel sou oorweeg om die versoeke van die Morawiese Kerk ten opsigte van die herberekening van die erfbelasting en terugskryf van gepaardgaande rentes asook die Opsienersraad van Elim se versoek te oorweeg vir goedkeuring, word die volgende voorwaardes gestel, naamlik:

- Ooreenkoms om die oorblywende balanse uitstaande op erfbelasting te reël vir afbetaling ten opsigte van alle eiendom in die Morawiese Kerk se naam geregistreer.
- Opsienersraad 'n memorandum van verstandhouding met die munisipaliteit sluit insake die gratis dienste asook die terugbetaal van die uitstaande erfbelasting.
- Dat die munisipaliteit se deernis beleid tesame met die voorwaardes deur die Opsienersraad goedgekeur word.
- Oorweging geskenk word om die versoek vir die herberekening van die erfbelasting goed te keur tesame met die afskryf van rente ten opsigte van erwe 237 en 203 ten opsigte van die vorige waardasierol effektief gewees van Julie 2012.
- Dat die bydrae vir gratis dienste oorbetaal word aan die Opsienersraad effektief vanaf 1 Julie 2019 en moontlike aanpassing gedoen word om die bydrae aan Elim in lyn te bring met die nuwe deernis beleid van toepassing.
- Dat, indien die genoemde voorwaardes nie nagekom word nie, die moontlike vergunning deur die Raad verval en die volle rekening oorhandig sal word vir invordering.

Die Munisipale Bestuurder in konsultasie met die Direkteur: Finansies beveel die volgende aan:

### **BESTUURSAANBEVELING**

- (i) Die Raad die versoek oorweeg vir afskrywing van erfbelasting gebaseer op die beginsel van "Multi Purpose" tesame met rente op die uitstaande belasting ten opsigte van Erf 237, Elim en Erf 203, Spanjaardskloof.
- (ii) Die versoek van die Opsienersraad vir die oorbetalings van die gratis dienste met effek 1 Julie 2019 in terme van die nuwe deernis beleid riglyne onderhewig aan voorwaardes vasgestel in die memorandum van verstandhouding.
- (iii) Onderhewig aan punt (i) en (ii), die addisionele bydraes aan Elim aangepas word met die aansuiweringsbegroting vir 2019/20.

*(Raadsheer Jantjies en Raadslid Swart nie teenwoordig tydens bespreking van die aangeleentheid nie.)*

**BESLUIT 166/2019**

- (i) Dat 'n memorandum van verstandhouding (MVV) met die Opsienersraad aangegaan word ten opsigte van die betaling van maandelikse bydraes rakende armlastiges in Elim.
- (ii) Dat die MVV die voorwaardes soos genoem sal vervat asook die bedrae verskuldig.
- (iii) Dat die MVV aan die Raad voorgelê word vir oorweging.



16. **ONAFGEHANDELDE RAADSBSLUITE**

Besluit Nr	Onderwerp	Verkorte Besluit	Vordering	Verantwoordelike persoon
90/2016	Ouditeur-Generaal navraag insake erwe 563 en 937, Napier	(i) Dat Erf 563, Napier so spoedig as moontlik deur die raad se oordragprokureurs aan KAM oorgedra word. (ii) Dat, sodra Erf 563, Napier in KAM se naam registreer is, dit per openbare tender vervreemd word. (iii) Dat alle uitstaande skuld ten bedrae van R35 256,83 in die naam van N en S M Noor afgeskryf word. (iv) Dat Erf 937, Napier se uitstaande gelde so spoedig as moontlik deur die raad se Masakane proses gevorder word (binne 90 dae). (v) Indien alle uitstaande fooie nie binne 90 dae gevorder is nie, erf 937 per openbare tender vervreemd sal word om deel van die koste te delg. (vi) Dat die verskil in uitstaande fooie (balans min verkoopprijs) afgeskryf word.	<i>In proses van afhandeling.</i>	DFD
237/2016	Parkering: Erf 264, Struisbaai	Dat die randstene wel verwyder word, op voorwaarde dat - (i) Die eienaar in kennis gestel word dat sou hulle die parkeerarea wil vergroot tot by die voetpaadjie (in Hoofweg), die nodige grondgebruiksaansoek ingedien moet word vir oorweging. (ii) 'n Vergunningsooreenkoms vir die vergroting van die parkeerarea met die eienaar gesluit word.	<i>Eienaar reageer nie op skrywe van prokureur nie.</i>	BSSB
238/2016	Council's further directions: Rezoning, Subdivision, Consolidation and letting of property in respect of the Vishuis Heritage Centre in Kassiesbaai, Arniston	That Council approves the following: Amendment of Clause 12.2.4 of the attached Lease Agreement to read as follows: "The serving of refreshments including hot and cold beverages and snack foods (i.e. a portion of food, smaller than a regular meal, generally eaten between meals) shall be permitted, excluding regular meals."	<i>Aansoek gebring om MB te verplig om Raadsbesluit uit te voer. Saak weer voor Hooggeregshof. Verslag sal by volgende Raadsvergadering gedoen word.</i>	BSSB
201/2018	Elim: Uitstaande Belastingrekening	(i) Raad kennis neem van die uitstaande bedrag verskuldig. (ii) Volledige verslag met die volgende Raadsvergadering oorweeg word. (iii) Maandelikse vorderingsverslae aan die Raad voorgelê word ten opsigte van die vereffening van hierdie uitstaande gelde.		Eiendoms-administrasie
100/2019	Lockout of Public from Agulhas Public Viewing area and WWII Radar Memorability	(i) That the management recommendation not be accepted as a resolution of Council. (ii) That the matter be referred to the ward committee for discussion		BSSB

**BESTUURSAANBEVELING**

Dat die Raad kennis neem van die onafgehandelde Raadsbesluite.

**BESLUIT 167/2019**

- (i) Dat die Bestuursaanbeveling as 'n besluit van die Raad aanvaar word.
- (ii) Besluit 237/2016: Dat die Raad kennis neem dat die eienaars van erf 264, Struisbaai wel in gesprek was met die Munisipale Bestuurder ten opsigte van 'n vergunningsooreenkoms vir parkeer areas.

Hierna gaan die Raad In Komitee om sake van vertroulike aard te bespreek.

BEKRAGTIG op hierdie

dag van

**2019**

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**SPEAKER**

**DATUM:**